City of Florence
A City in Motion

City of Florence Council Regular Session

Videoconference &
Florence City Hall
250 Hwy 101
Florence, OR 97439
541-997-3437
www.ci.florence.or.us

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at www.ci.florence.or.us/council.
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at www.ci.florence.or.us/council as soon as practicable after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at http://www.ci.florence.or.us/newsletter/subscriptions.

October 19, 2020 **AGENDA** **5:30 p.m.**

Councilors: Joe Henry, Mayor
Woody Woodbury, Council President Ron Preisler, Council Vice-President
Joshua Greene, Councilor Vacant, Councilor

With 48 hour prior notice, an interpreter and/or TDY: 541-997-3437, can be provided for the hearing impaired.
Meeting is wheelchair accessible.
Proceedings will be shown live and for rebroadcast on Cable Channel 191 and online at
www.ci.florence.or.us/citymanager/public-meetings-live and will be available after the meeting on the City's Vimeo Site.

COVID-19 UPDATE

Due to federal and state restrictions on public gatherings, the Florence City Council meetings shall be held via videoconference. Members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link https://attendee.gotowebinar.com/register/2696284396416552459
Meetings are also shown live on Cable Channel 191 and online at
https://www.ci.florence.or.us/citymanager/public-meetings-live.

In person attendance is not allowed at City Council meetings.

In accordance with Oregon House Bill 4212, to protect safety and ensure social distancing, members of the public will not be allowed to attend the City Council meeting.

Citizens wishing to express their views may submit comments in writing or verbally. For more information, please see the end of this agenda or visit the City of Florence website at
www.ci.florence.or.us/council/request-address-city-council-speakers-card.

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE **5:30 p.m.**

PRESENTATIONS & ANNOUNCEMENTS

- Arts and Humanities Month – October 2020

1. PUBLIC COMMENTS – *Items Not on the Agenda*

This is an opportunity for members of the public to bring to the Council's attention any item not otherwise listed on the agenda. *Please see the end of this agenda for methods to provide comments on items not on the City Council agenda.*

PUBLIC HEARING & ACTION ITEMS

Please see the end of this agenda for methods to provide comments on action items.

2. RHODODENDRON DRIVE PLANNED UNIT DEVELOPMENT APPEAL

Wendy FarleyCampbell
Planning Director
And
Roxanne Johnston
Senior Planner

A. PUBLIC HEARING

Hear and consider written and verbal testimony regarding the appeals of a preliminary planned unit development (PUD) and Tentative Subdivision (SUB) Plat to build 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units.

2c. **B. RHODODENDRON DRIVE PLANNED UNT DEVELOPMENT APPEAL**
Consider approval of **Resolution No. 28, Series 2020,** a resolution adopting final decision on the three appeals regarding a recent Planning Commission decision to approve, with conditions Resolution PC 07 PUD 01 and PC 20 08 SUB 01, concerning a residential PUD and SUB to be located near Rhododendron Drive and 35th Street.

Wendy FarleyCampbell
Planning Director
And
Roxanne Johnston
Senior Planner

CONSENT AGENDA

3. TREATMENT PLANTS FIBER BID AWARD
Consider accepting the proposal from Hyak in the amount of $128,000 to provide enterprise fiber 10gbs to the City of Florence water and wastewater treatment plants.

Mike Miller
Public Works Director

4. LETTERS OF SUPPORT FOR PUBLIC TRANSIT FUNDING
Consider authorizing the Mayor to sign letters of support for the Lane Council of Governments (LCOG) and the Coos County Area Transportation District (CCATD) to support their grant applications to the Oregon Department of Transportation for Statewide Transportation Improvement Fund (STIF) to support and fund operations providing transit service between Eugene and Florence, Florence and Yachats, Coos Bay and Florence, and Coos Bay and Roseburg.

Wendy FarleyCampbell
Planning Director

5. CITY MANAGER EMPLOYEE EVALUATION PROCESS & FORM
Consider approval of the City Manager evaluation process and form.

Alex Ferguson
Human Resources Manager

REPORT & DISCUSSION ITEMS

6. GENERAL REPORTS – *Council Question & Answer Only – No Presentations*
- September Committee, Commission & Volunteer Reports

7. REPORT & DISCUSSION ITEMS
- City Manager Reports & Discussion Items
- City Council Reports & Discussion Item

COUNCIL CALENDAR
All meetings are held at the Florence City Hall (250 Hwy 101, Florence Oregon) unless otherwise indicated

Date	Time	Description
November 2, 2020	10:30 a.m.	City Council Work Session *Tentative*
	5:30 p.m.	City Council Meeting
November 16, 2020	10:30 a.m.	City Council Work Session *Tentative*
	5:30 p.m.	City Council Meeting
November 26 & 27, 2020	- - -	Thanksgiving Holiday *City Offices Closed*
December 7, 2020	- - -	City Council Work Session *Rescheduled to December 14, 2020*
	- - -	City Council Meeting *Rescheduled to December 14, 2020*

UPDATED PUBLIC MEETINGS PROCEDURES – COVID-19

Given executive orders from Governor Brown concerning COVID-19 and social distancing requirements, the City of Florence has established temporary procedures for public meetings in order to protect our volunteers, public and staff.

In person attendance is not allowed at City Council meetings.

Expressing Views to the City Council: Citizens wishing to express their views to the City Council may do so in both written and verbal formats.

1. Written Testimony: Citizens wishing to express their views to the City Council are encouraged to submit written testimony in one of the following ways:

a. Submit written comments via email to City Recorder at kelli.weese@ci.florence.or.us;

b. Mail written comments to Florence City Hall, Attn: City Council, 250 Hwy 101, Florence, OR 97439

c. Drop off written comments to the City of Florence drop box located at Florence City Hall (250 Hwy 101) to the right of the main entrance.

** Note: Written comments received at least 2 hours prior to the meeting (October 19, 2020 at 3:30 p.m.) will be distributed to the City Council, posted to the City of Florence website, and made part of the record.

2. Verbal Testimony: Citizens wishing to express their views to the City Council may participate in the meeting via GotoWebinar. To do so, please complete a speaker's card online at www.ci.florence.or.us/council/request-address-city-council-speakers-card at least 1 hour prior to the meeting (October 19, 2020 at 4:30 p.m.). City staff will then contact the speaker to let them now the process to participate in the meeting.

a. Public Comments on items not on the agenda: General public comments (on items not on the City Council agenda) will be allowed at each City Council meeting during the public comment agenda item. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. In practicality, this means no more than five individuals will be allowed to comment verbally. There is no limit on written public comments.

b. Public Hearing Testimony: Testimony on public hearing items will be allowed when a public hearing is held. Verbal comments will be allowed on public hearing items after staff has given their report and have allowed time for initial Council questions. In general (with some exceptions for Land Use hearings), comments are limited to five minutes per person with no limit on the number of speakers.

c. Public Comments on Action Items: Public Comments will be allowed on each action item on the City Council agenda. Verbal comments will be allowed on action items after staff has given their report and have allowed time for initial Council questions. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all comments on each action item. In practicality, this means no more than five (5) individuals will be allowed to comment verbally. There is no limit on written public comments.

For more information on the City of Florence's Temporary Public Meeting Policies, visit the City of Florence website at https://www.ci.florence.or.us/em/public-meeting-during-covid-19.

PROCLAMATION

Office of the Mayor, City of Florence

NATIONAL arts humanities MONTH

Experience Florence

Where Everyday is a Celebration of the Arts

NATIONAL ARTS AND HUMANITIES MONTH OCTOBER 2020

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for over 30 years; and

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS, the arts and humanities play a unique role in the lives of our families, our communities, and our country; and

WHEREAS, the City of Florence recognizes the economic impact of the arts in our 'City in Motion' and has developed a Public Arts Program and Committee to help assist this grassroots effort in creating economic vitality through the arts; and

WHEREAS, the City of Florence Public Arts Committee's mission is to integrate art into the daily life of our community and inspire extraordinary creative expression that will enrich public awareness, enhancing the vitality, economy and diversity of Florence through the arts.

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of Florence, I do hereby proclaim **October as National Arts and Humanities month** in the City of Florence and call upon our citizens to celebrate and promote the arts and culture in our nation and specifically encourage the greater participation by those said citizens in taking action for the arts and humanities in their communities.

SEAL OF CITY OF FLORENCE LANE COUNTY OREGON

Joe Henry, Mayor

AGENDA ITEM SUMMARY	**ITEM NO:**	1
FLORENCE CITY COUNCIL	Meeting Date:	October 19, 2020
	Department:	Mayor & Council

ITEM TITLE: PUBLIC COMMENTS – *Items Not on the Agenda*

DISCUSSION/ISSUE:

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. *Please see end of the agenda for methods to provide comments on items not on the City Council agenda.*

AGENDA ITEM SUMMARY	**ITEM NO:**	2
FLORENCE CITY COUNCIL	Meeting Date:	October 19, 2020
	Department:	Community Dev.

ITEM TITLE: Resolution 28, Series 2020: Appeals of Planning Commission Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 Preliminary Planned Unit Development Plan and Tentative Plat applications

TOPIC INTRODUCTION:

On October 19, 2020, the Florence City Council will hold a public hearing and possibly deliberate and take action on three Petitions of Appeal received for a September 8, 2020 Planning Commission conditionally approved decision for application numbers PC 20 07 PUD 01 and PC 20 08 SUB 01 a Preliminary Planned Unit Development Plan and Tentative Subdivision Plat for Florence Golf property located at 35th and Rhododendron Dr. applied for by Mercedes Serra of 3J Consulting representing APIC Holdings, Florence, LLC.

Within the allotted 12 appeal day period after mailing the notice of decision for the above conditional approval of Resolution 20 07 PUD 01 and PC 20 08 SUB 01, planning staff received three Petitions to Appeal from the appellants as outlined in Florence City Code Title 10, Chapter 1, Section 10-1-1-7 (B). These Petitions to Appeal were submitted by Steve Williams, (submitted 9/17/2020); Debra and Darry Fisher, (submitted 9/20/2020); and O. Gary and Frances Plunkett, (submitted 9/20/2020). Upon receipt of the three appeal requests, the appeal hearing notice was mailed on September 28, 2020 as required by FCC 10-1-1-6-3 (B).

The applicant, APIC Florence Holdings, LLC, did not file an appeal for Resolution 20 07 PUD 01 and PC 20 08 SUB 01 and has since provided staff with an Agreement of Acceptance.

The code requires the appellants to identify the specific errors, if any, made in the decision. The review of the initial action shall be confined to the issues raised upon appeal and be based on the record of the proceeding. Thus, only the specific appeal items listed in the Petitions to Appeal are to be addressed during the hearing; no new evidence is to be examined and no other conditions that were approved on September 8, 2020 by the Planning Commission are to be discussed, in accordance with FCC 10-10-7 (E).

APPEAL TIMELINE:

State Law and City code requires land use applications be processed within 120-days of the application being deemed complete. The applicant extended the 120-day timeline to October 21st after requesting postponement of their hearing to August 25th. As of the writing of this report staff had not received written confirmation of a waiver of the processing timeline. The following are possible time-related scenarios the City Council may follow on making its decision:

1. After closing the public hearing on Oct. 19th the applicant chooses to waive their 7-day written argument period. The Council may then either move to deliberations on the 19th or continue the meeting to October 20st and initiate deliberations and take final action no later than October 21st However, if the applicant waives the 120-day timeline then the City Council may elect to continue deliberations on October 26th or November 9th, 2020.

2. After closing the public hearing on Oct. 19th the applicant requests a 7-day written argument period. The Council would continue the meeting to a date certain (presuming Nov. 9th) and the applicant would submit closing arguments by 4 p.m. October 26th. Then on the meeting date the Council would initiate deliberations and move to a vote and final decision.

BACKGROUND STATEMENT

The subject properties are located on 9.28 acres at the NE intersection of Rhododendron Drive and 35th St., and identified on Assessor's Map # 18-12-15-33, Tax Lot 0700; Map # 18-12-15-34, Lots 3800, 3900, 4000, 4100 & 4200; & Map # 18-12-22-21, Lot 1900. This proposal includes 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units. Amenities to support this PUD include a pavilion, picnic areas, seating, a children's play area, walking trails, dog park, and pocket garden. Access to the development is proposed via a private internal drive with two entrances from Rhododendron Dr., alleyways providing rear access to single-family attached unit garages and lanes providing access to single-family detached units.

The consolidated Type III applications for the Preliminary Planned Unit Development Plan and Tentative Subdivision Plat were processed by staff in accordance with FCC 10-1-1-5 (as applicable) and 10-1-1-6-3, Sections A through H; respectively, which included ensuring completeness of the application, noticing for hearings, post hearing, and procedural requirements as they related to processing the conditional approval by the Planning Commission.

The first public hearing for this development proposal was scheduled for July 14, 2020. At that meeting and per the applicant's written request, the Planning Commission did not hear testimony nor discuss the application and moved the public hearing to August 25, 2020. Additionally, the applicant requested an extension of the 120-day Rule (FCC 10-1-1-5 A) to October 21, 2020. This provided additional time for additional hearing dates required to proceed through the approval processes, including this Appeals Hearing.

On August 25, 2020, the Planning Commission heard testimony, deliberated and then voted to close the public hearing, to keep the written record open until September 4, 2020, and to reconvene to a date certain of September 8, 2020. Before doing so, however, the Planning Commission directed Planning staff, the applicant, and a third-party engineer, who the City uses as a peer advisor/consultant, to meet and work towards solutions for Condition 11, 30 and 31. Condition 11 involved traffic counts (projections and methodology within the applicant's Transportation Impact Study, which was tied to the design of improvements to Rhododendron

Drive. Condition 30 involved the requirement to hire a qualified hydrologist and a geomorphologist to supplement the applicant's existing stormwater plan and to prepare/assist in a Phase 1 Site Investigation. Condition 31 called for a stormwater design so that no additional water leave the site. Staff was separately directed to work with the City's legal advisor with regard to short-term rentals and inquire about whether the Planning Commission would be able to place limits on the percentage of units that could be used as rentals within the development.

The applicant, staff and peer advisor had met as instructed by the Planning Commission. The applicants conducted another traffic count at the intersection of Rhododendron Drive and 35th St. as directed by the Planning Commission. The written record period closed September 4th.

On September 8, 2020, the Planning Commission continued their discussion and deliberation of the applications which included the results of the new traffic counts and peer review comments. The end result of the September 8, 2020 meeting was the conditional approval of Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 with its 36 conditions that need to be met prior to the issuance of Certificates of Occupancy. Minutes for both the August 25th and September 8th meetings are provided in Attachments 5 and 6, respectively.

ROLES & RESPONSIBILITIES

PLANNING COMMISSION

The Florence Planning Commission serves our community in two main roles. One role is to assist the City Council in legislative efforts to create or modify our community's policies related to land use through recommending their decisions to the City Council. The second role is to serve as a 'quasi-judicial' body to make decisions on individual land use applications in the context of Florence City Code.

CITY COUNCIL

Appeals of decisions made by the Planning Commission are heard by the City Council. The City Council must decide whether to affirm, reverse, or modify the Planning Commission's decisions based on the approval criteria for this Preliminary Planned Unit Development and Tentative Subdivision. This hearing involves listening to interested parties who wish to make arguments based on the existing record review of the appeal items. The basis of each appeal is limited to the issues raised during the review of the original applications by the Planning Commission, and set out in the appeal statements. No new issues or evidence is allowed per Florence City Code, Title 10, Chapter 1, Section 10-1-1-7 E:

The review of the initial action shall be confined to the issues raised upon appeal and be based on the record of the proceeding below, which shall include:

1. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered as evidence.

2. All material submitted by the City staff with respect to the application.

3. The minutes of the hearing (if applicable).

4. The Findings on which the decision is based.

5. The notice of intent to appeal or the requests for review and the written petitions on appeal.

6. Argument by the parties or their legal representatives.

Following the hearing, the City Council will discuss the testimony presented in the public hearing, written testimony provided to the City Council and the records of the Planning Commission's original decisions. This portion of the process is referred to as deliberations. The purpose of the deliberations is to help the City Council reach a decision on each appeal item; given the information in the record at the time of the Planning Commission's decision; whether the Planning Commission correctly evaluated the applications and make their decisions consistent with the Preliminary PUD and Tentative Subdivision criteria outlined in FCC Titles 9, 10 and 11, respectively.

STAFF

City of Florence Planning staff will be present throughout the public hearing and deliberations to assist the City Council. Staff will advise the City Council with regard to process, location of materials in the record, legal matters, and interpretation of land use code requirements. Staff may provide advice and recommendations based on their professional expertise and familiarity with the application and record of materials to date. The City Council may choose whether or not to follow staff recommendations at their discretion. Staff will also assist the City Council in drafting the final decision on these appeals. (Notice of Decision).

In addition to supporting the City Council, staff also serves as contact for applicants, neighbors and other interested parties. In this role, staff will often hear from people who may be directly impacted by a particular project and/or decision. When concerns are raised, staff works to help people understand how to frame a concern in terms of approval criteria. Staff listens carefully to all concerns, seeks to fully understand the issues and impacts of land use applications, and attempts to provide the best service possible to everyone involved. While all issues are important, staff also makes every effort to help our community understand that all land use decisions must be made based on the approval criteria located in the Florence City Code and our communities adopted plans and policies.

For some appeal items, staff has provided an opinion based on each issue raised, including analysis and proposed findings or a recommendation in direction. Ideal appeals are thoughtfully put together, provide clear issue statements related to Florence City Code, reference key materials

in the existing record, and express a desired outcome. For these reasons, staff is not providing a written response to each appeal item at this time. Staff believes the Findings of Fact and Planning Commission's decision adequately address all other issues raised by the appellants that are not expressly discussed in this Agenda Item Summary. The issues that staff does want to provide an initial response to are detailed under the following section of this Agenda Item Summary titled: Summary of Appeal Issues.

Of course, staff will be prepared to provide an opinion about each issue if requested, and will still be responsible for helping the City Council draft a final decision. To help staff do this, it is important that if the City Council agrees with a particular appeal issue and thinks the Planning Commission' decision incorrectly applied approved criteria; new findings will need to articulate the error. To help with the new findings, the City Council will need to point to evidence and arguments in the record that demonstrate how the Planning Commission was incorrect.

APPEAL ITEMS

There are three appellants with 17 total items for Council' consideration. These topics are presented below, with staff's input on code criteria and conditions of approval as applicable. If a staff recommendation is proposed it is included.

APPELLANT STEVE WILLIAMS – (ATTACHMENT 1)

Item 1. Left-Hand Turn Lane Construction; Improvements Construction Activity Timing

Appellant Williams refers to FCC Title 10, Chapter 23 and Condition #11 of the Resolution (Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01) in this first appeal issue. Mr. Williams explains that there was, at one point, "a discussion during the September 8, 2020 meeting" whereby the topic of when construction of the road improvements "(like the 35th street left turn lane)" would be completed, such as prior to or after occupancy and states that he believes the improvements should be completed first as heavy equipment and traffic by contractors entering and exiting the development would pose a safety hazard to the neighborhood.

Williams does not provide code language setting actual timing requirements of the improvements' installation. Timing of the improvements and installation are not set by City code. Development of streets is outlined in Title 10, Chapters 35 and 36 and installation is overseen by the City's Public Works Director. The minutes for the September 8, 2020 Planning Commission meeting are included in Attachment 6.

Item 2. Traffic Plan/Rhododendron Drive Configuration

Appellant Williams references the Sea Watch Hearing Group in the second point of his Petition to Appeal stating that the members have submitted several testimonial letters to the Planning

Department offering suggestions, such as middle turn lanes for acceleration/deceleration areas for traffic entering and exiting from the Rhododendron Drive and Coast Guard Road and into the new development. He further explains in the appeal that "We [the aforementioned group] tried to stress the future traffic needs; that the opportunity to do this is now, or it will all be lost."

Planning staff did receive numerous testimonials from residents in Sea Watch Place located west of the proposed development. Testimony received before 4:00 PM August 25, 2020 was forwarded to the applicant team for the development, posted online, and shared with the Planning Commission. Additional testimony accepted up until September 4, 2020 was distributed similarly for the September 8, 2020 Planning Commission meeting.

Although development may trigger, generally speaking, improvements to public infrastructure as it has in this instance with Rhododendron Drive, no nexus has been provided that would require the applicant of the PUD/SUB to mitigate the intersection at Coast Guard Road and Rhododendron. While it may be true that traffic exiting from Coast Guard Road experience difficulties given the speed limit (40 MPH) on Rhododendron Drive and its curve to the north of that intersection, the applicant is not responsible for reducing the speed. They are responsible in paying their fair share for installing improvements exiting and entering the development, which is why the Planning Commission conditioned them to add a southbound left turn lane which should turn into the development and 35th St. and to modify the intersection at 35th St. and Rhododendron, (Condition 11 in Attachment 4).

Within this same item (Item 2), Mr. Williams references Exhibit R, an exhibit posted online prior to the September 9, 2020 Planning Commission meeting, where it was discussed. Exhibit R is a copy of a Resolution PC 07 21 MOD 01 packet (including its own exhibits) approved on August 7, 2007. (This earlier Study referenced by Mr. Williams may be found in Attachment 10 of this AIS). This earlier request involved a modification of Condition 7 as it related to a now older development proposal of that site area of the former "Sandpines Resorts," (now Fairway Estates). The modification request called for a redesign of Rhododendron Drive so that it could be improved to conform to the standards of a Transportation Plan draft that had not yet been adopted by the City Council. The final modified Condition 7 of the related adopted Resolution reads:

> *"Rhododendron Drive Improvements: The applicant shall improve Rhododendron Drive to urban standards as identified in the City's Rhododendron Drive Integrated Transportation Plan – Final DRAFT prepared by Parametrix, June, 2007. This includes two travel lanes, curb, gutter, and multi-use path that is a minimum of 12 feet wide, from the north side of the proposed site access to the south side of 35th Street, including intersection improvements. Rhododendron Drive improvements shall be included within the public improvement plan and installed as part of the improvements." (Attachment 10, p.2).*

Mr. William's main point related to the above is that the applicant team of the proposal by APIC Holdings, Inc. did not include an evaluation of the intersection of Coast Guard Road and

Rhododendron Drive within their traffic impact analysis even though the proposed development is located directly across from this intersection. He added that future development will "add hundreds of new neighbors to the north using this part of Rhododendron Drive." Mr. Williams refers to FCC 10-23-4(C) as 'a plan in a 2005 study" with a goal of handling traffic safely and without congestion: Although not included in the 'study' he refers to, the code, (p. 36 of the August 25th 2020 Findings of Fact Attachment 7), which relates to Planned Unit Developments:

"10-23-4(C): The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets."

Mr. Williams appeal states that many of the members have approached City Council through time to address the Coast Guard Rd. intersection and provided solutions. He further explains that given traffic problems and accidents at the intersection, an opportunity for a left-hand turn lane as presented in what he calls the 2005 study (from which Condition 7 as modified in 2007) could be a solution. This earlier Study referenced by Mr. Williams may be found in Attachment 10. He is asking that a middle turn lane be re-examined.

Code and instruction to assess for design and installation of Rhododendron Drive and its intersection with 35th Street are included in FCC Title 10, Chapter 35: Access and Circulation; Chapter 36: Public Facilities, and the City's Transportation System Plan (which provides cross sections specifically related to the design of Rhododendron Drive and 35th St.). The Public Works Department oversees the development of streets and in this instance, the Public Works Director, upon several occasions during the related Planning Commission meetings held on August 25, 2020 and September 8, 2020 (Attachments 5 and 6), explained that the City has the stretch between Rhododendron Drive and 35th Street beyond Coast Guard Road on the City's workplan schedule.

<u>Item 3 Workforce Housing Goals vs AirBnBs</u>

Mr. William's final appeal item addresses City Code and the Florence Realization 2020 Comprehensive Plan with regards to the provision of workforce housing. He references a goal within the Comp Plan, referencing "the need for affordable and workforce housing(,)" and believes a minimum time frame for allowing short term rentals within the development would be a 30-day lease requirement "at least for a percentage of the homes" and that these should be included in the PUD's Covenants, Conditions, and Restrictions so that the Comp Plan's housing goals can be met. He states that the current zoning lends itself to workforce housing, but should not be used for AirBnbs, and that the proposed development lends itself to such short-term rental opportunities. He provides several of these opportunities in his Petition to Appeal. Mr. William's main point is that when such uses are allowed, this contributes to housing shortages in Florence because the profitability of AirBnBs affect affordability for traditional workforce housing rentals.

City Code does not contain language limiting the percentage or numbers of short-term rentals a development may contain. Historically, these are limited by individual CC&R's, which the City does not enforce. Williams had brought up this subject during the August 25, 2020 meeting, (Attachment 5, p. 3). Staff discussed this during the September 8, 2020 meeting, which may be found in (Attachment 6, p. 2) The Planning Commission does not have the authority to make decisions beyond what is stated in the codes or com plan policies as discussed under the above section title 'Planning Commission Role.'

APPELLANTS DARYLL AND DEBRA FISHER (ATTACHMENT 2)

Item 1. Stormwater Management - The Fishers state the applicant has "failed to demonstrate" that conditions of approval are feasible. Neither codes nor excerpts stated from material provided from the August 25, 2020 and September 8, 2020 Planning Commission hearings were contained in the Fisher's Petition to Appeal to support this statement.

The applicant is conditioned on the hydrology and stormwater design as indicated in Conditions 30 and 31 of Attachment 4:

> Condition 30: *"Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade."*
>
> Condition 31*: "There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside of the property.*

Item 2.—Neighborhood Incompatibility The Fishers reference FCC 10-23-4 A and B commenting that the proposed development violates Planned Unit Development code in that the development is incompatible with surrounding neighborhoods. The code language itself was not stated in their appeal; however, this code, (Attachment 7, p.p. 35 - 36) reads:

> *10-23-4: GENERAL CRITERIA: Applicant must demonstrate that the development conforms to all the following criteria:*
>
> *A. The proposed development shall be compatible with the general purpose and intent of the Comprehensive Plan.*
>
> *B. The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.*

No explanation is provided by the appellants to demonstrate how the proposed development is incompatible.

FCC 10-23-5 H, found in p.p. 41- 43 Attachment 7 as applicable to Planned Unit Developments states:

FCC 10-23-5 H: The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:

1. *High quality building design using Old Town and Mainstreet Architectural Standards or higher standards*
2. *Incorporation of unique land forms into the final PUD design*
3. *More recreation space than the minimum required*
4. *On-site amenities reflecting the value of both active and passive recreational facilities*
5. *Natural resource protection, where identified as part of a preliminary site investigation report*
6. *A mix of dwelling unit types and densities*
7. *A mix of residential, commercial, and recreational uses, where zoning permits."*

The proposed development contains a mix of residential intensities designed, for the most part, to transition from the least intense units (single-family detached) along the subject property perimeter, to medium dense units (single-family attached) being situated more generally centrally and the denser multi-family units fronting Rhododendron Drive. The latter buildings are not abutting existing single-family development. Given the criteria above, this design more closely resembles criterion B of the above Code, "…or will adequately reduce the impact where there is a departure from the character of adjacent land uses." The trade-off here from the conventional zoning requirements and density limitations include the transect design. The incorporation of unique land forms is not applicable here. The applicants have demonstrated their provision of open space over the required amount, and have been conditioned to include additional on-site amenities with Condition 13.a (Attachment 4, p.4). They have also been conditioned to provide a Phase 1 Site Investigation report in Condition 30, (Attachment 4, p. 6.), and they have provided a mix of unit types and densities in addition to recreational uses.

Item 3. Lack of a Phase 1 Site Investigation Report The Fishers state that the Planning Commission made an error in approving the application when wetlands are present on the property "in the absence of a Phase 1 site Investigation." They further contend that such an investigation could affect the buildable area within the property, which "could affect the applicant's ability to comply with various other design and approval criteria (…)" and that "this requirement cannot be relegated to a condition of approval." No code is referenced by the appellants, nor specific condition(s) of approval and therefore they fail to demonstrate how the Planning Commission erred in their approval.

The Planning Commission did condition the applicant to provide a Phase 1 Site Investigation as evidenced in Condition 30 of Resolutions PC 20 07 PUD 01 and PC 20 08 SUB 01:

30. Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of

a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade.

In the event the Phase 1 Site Investigation reveals wet areas and wet soil types, then a Phase II Conditional Use permit would be reviewed before the Planning Commission as required by Title 10 Chapter 7, whereby the applicant would be required to demonstrate how they would mitigate the risk of hazardous soil types through their stormwater management design. There is risk to the applicant of proceeding in advance of completing this investigation work. Required Site Investigation work must be completed prior to site disturbance. The above condition addresses this requirement.

Item 4. "The traffic impact analysis did not take into consideration anticipated additional volume generated by other future development in the immediate area or address other deficiencies noted by staff." In this appeal item, the Fishers do not specifically state which deficiencies are noted by staff. A central reason the Planning Commission September 8, 2020 meeting was continued from the August 25, 2020 meeting was to address the information provided by the applicant, who had conducted additional left hand turn lane traffic counts during peak AM and PM hours on September 27, 2020. The traffic counts they had conducted prior to that time were in December of 2019. The applicants then incorporated the new September turning data in addition to existing TIA data from a previous development to the north (Fairway Estates). The results were peer reviewed by a third-party engineering consultant who concurred with the data, but not the standard method the applicant engineer used for determining the need for a right-hand turn lane, (Attachment 9).

Item 5. "The item does not meet interior and other setback criteria." No code is cited by the Fishers to support this statement. The Findings of Fact (p.p. 41-43 of Attachment 7) submitted by staff explain that the nature of a PUD lends itself to relaxed code standards as referenced in Title 10, Chapter 23, Planned Unit Development (p. 34, Attachment 7). Section 10-23-1 B reads, "Encourage innovative land utilization through a flexible application of zoning regulations." Furthermore, the following code supports the Planning Commission's authority to approve the requested modifications, which included setbacks:

FCC 10-23-5 H: The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:

1. *High quality building design using Old Town and Mainstreet Architectural Standards or higher standards*
2. *Incorporation of unique land forms into the final PUD design*
3. *More recreation space than the minimum required*
4. *On-site amenities reflecting the value of both active and passive recreational facilities*
5. *Natural resource protection, where identified as part of a preliminary site investigation report*
6. *A mix of dwelling unit types and densities*

7. A mix of residential, commercial, and recreational uses, where zoning permits."

A similar appeal of the Fisher's has been discussed above under Item 2.

Item 6. Gross Density vs. Net Density The appellants are inquiring if the density, which was measured using "gross" acreage instead of "net," is acceptable by code. The answer is "no"; that it is not acceptable by code. Both applicant and staff failed to calculate density using "net" per FCC 10-10-4 E use table, (referenced on p. 37, Attachment 8). This table describes that the maximum average net density (units/acre) for the RMH zoning district is 12 units per net acre. FCC 10-2-13 defines "Density, Net" as *"The number of dwelling units per each acre of land excluding from the acreage dedicated streets, neighborhood parks, sidewalks and other public facilities."*

Since the submission of the Fisher's Petition to Appeal, staff has calculated net density unit per acre. Staff added the acreage from each lot to the open and recreational spaces and arrived at an estimate of 7.156 acres. The reason the number is an estimate is because the streets and lanes were not dimensioned in the tentative plat sheets. Because the overall development contains 9.26 acres, staff's method to calculate street and lane acreage was add the acreage of each lot (and its square footage) with the open and rec space acreage, which totaled 7.156 acres (see below) and to subtract 7.156 from 9.26. Thus, the loop street and lane acreage amounted to approximately 2.124 acres, which would not be included when calculating the net density per acre. Additionally, there is property proposed for dedication to Siano Loop for sidewalk construction that should be excluded.

Below is the methodology staff used to calculate Net Density per Unit/Acre:

- Open Space Acreage: **1.88**
- Recreation Space Acreage**: 0.686**
- **Combined** Open and Rec Space Acreage**: 2.566**
- Lot Acreage: **4.59**

TOTAL NET ACREAGE: Open Space + Recreation Space (2.566) + Lot (4.56) = 7.156 acres

Since the subject property's underlying zoning district of RMH allows a maximum net density of 12 units per acre, staff multiplied 7.156 by 12, (7.156 X 12) = **85.872** max units allowable per RMH District. The applicant proposes 126 units equating to 40 total extra units or 5.58 units per net acre over the 12 units per net acre stipulated in code. The proposal as proposed now includes approximately 17 units per net acre.

The Planning Commission approved 13.6 units per unit acre which was communicated in the findings and the applicant's materials as an excess of around 1.5 units per acre above the code allowance. While a PUD can have a greater density per FCC 10-23-5 H, (p. 41, Attachment 7) and the applicant has requested it and the Planning Commission approved it, the amount of extra density approved equates to 3.1 units per acre more than communicated since a calculation using gross was used instead of net. Of note the density difference is compounded by a requested reduction and approval in right-of-way width for Loop Rd. The extra density "ask" by the applicant is thus really even more because the street's ROW width is less than code standards or additional

acreage that would be removed from the 7.156 acres used to calculate the net. A recalculation of the density using net would be required to identify the actual units over the base minimum of 12 units/acre proposed. Staff recommends the City Council decide on an acceptable net density such as the 13.6 approved, or return the issue back to Planning Commission for deliberation and decision.

Item 7. Native Vegetation Retention The appellants explain that they are appealing the issue of retaining the existing native vegetation so that is resembles Fairway Estates for continuity and keeps Rhododendron Drive scenic. They wish this topic to be revisited as it was brought up in the September 8th meeting by Commissioner Young. The September 8, 2020 Planning Commission meeting minutes had not yet been approved when the Fisher's submitted their appeal. Reference to Commissioner Young's comments regarding vegetation are found on p. 4 in Attachment 6.

The City has no code that proactively protects vegetation as a greenbelt along this specific area. This intention is mentioned in the Florence Realization 2020 Comprehensive Plan, but is not linked to Title 10 of the Zoning Code. The subject property sits below Rhododendron Dr. and the surrounding development and forms a natural bowl. As such, the applicants are proposing to prepare the property by using fill and grade in order to ensure that slopes within the development are level. To do this, they will need to remove the vegetation and are planning to replant with native landscape plants and trees. The Planning Commission placed Conditions 26 and 36 on the development:

> *26. A final Landscape Plan associated with the rights-of-way (plantings such as street trees), the on-site swale proposed along Rhododendron Drive, and the swale proposed within the Rhododendron Dr. right-of-way need to be provided with Public Improvement Plans for review and approval by Public Works prior to site disturbance and prior to Final PUD or Final Plat approvals. Plans shall include the street tree planting location, size, species, root guard, irrigation, and evidence of planting within a 4' by 4' tree well. Landscape plans shall also be provided for review and approval in conjunction with each associated design review for the Type II single family attached and apartment developments. Final Stormwater planting and construction details shall be submitted for review and approval prior to application for building permits for the single family attached and detached proposals.*
>
> *36. Applicant shall submit a vegetation planting plan with native plantings along Rhododendron Dr. for a width of ten (10) feet on the applicant's property. Such plan should be provided in conjunction to or with the Final PUD and/or Final Plat application.*

A final landscape plan for the swale and right-of-way areas is required to be submitted with the public improvement plan for staff review. The entirety of the landscape plan will be reviewed with the Final PUD application, subject to public comment, and approved by the Planning Commission. The landscape areas proposed with the apartments and townhomes will undergo public review with their associated Type 2 applications. Staff recommends Council reword Condition 36 above to replace "should" with "shall".

Item 8. Appeal Combination The appellants requests that the Petition to Appeal by Gary Plunkett and Frances Plunkett (Attachment 3) to be included in the Fisher's Petition to Appeal. This is not an appeal issue.

Staff has included the Plunkett's appeal items, below.

APPEAL ITEMS BY APPELLANTS O. GARY PLUNKETT, P.E. AND FRANCES PLUNKETT (ATTACHMENT 3)

Item 1. Personal Negative Effect The appellants state that the development will negatively affect them. The Plunketts offer no further explanation.

Item 2. Gross vs. Net Density The appellants are opposed to the proposed density (calculated as "Gross Density" instead of "Net Density", which by code is more restrictive. A change from the "gross" amount to 'net' density of units per acre would reduce the number of units at the site. This subject is previously discussed above the Fishers' Item 6 of their Petition to Appeal. The Plunketts take the argument against increased density further by tying their density calculations into increased traffic.

Item 3. Inadequate Parking The Plunketts state that since the project is designed to provide low cost housing, then "low income residents" will occupy more than one person per bedroom and that there will be "more residents and vehicles than the planners have indicated." In turn, they argue, this will generate more traffic and require more parking spaces than planned and that the development has not provided for this additional parking.

Evidence supporting this item by the Plunketts was not provided by them. Page 15 of the FOF in Attachment 7 addresses the required parking. The applicant has provided all but eight (8) on-site parking spaces within the development and have provided street parking within the private loop road that makes up for and exceeds these deficits. Being that the application is a Planned Unit Development, the Planning Commission had the authority to relax the usual parking standards and allow eight of the on-street parking to count for the difference. Additionally, FCC 10-3-4 states*: "Applicants may ask the Planning Commission for a reduction for parking spaces as part of their land use applications."* The Planning Commission was within their right to allow a reduction in the number of required parking. The number of on street parking spaces amounts to 46 spaces in the applicant's proposal; however, some of these spaces will need to be removed as the applicants were conditioned to delete those adjacent to the required fire lanes.

Item 4. Vacation Rentals This item is very similar to Item 3 listed in Mr. William's Petition to Appeal and discussed above. The appellants believe this "low income rental unit" development should be limited to a minimum rental period of 30 days to avoid being used for vacation rentals. No code has been presented by the appellants to support this requirement.

Item 5. Rhododendron Dr. Left-had turn lane & Bonding This item relates to the design of Rhododendron Drive and the two driveways as entrance/exit points for the development. The appellants explain that the driveway openings are a short distance from each other and that the absence of left-hand turn lanes from Rhododendron Drive will create hazardous traffic conditions. They further state the need to have a left-hand turn lane and that although the developer was conditioned to install a left-hand south bound turn lane at the intersection of Rhododendron Drive and 35th St., it appears that this is not what the appellants believe is needed. Additionally, they observe that there was no requirement for a performance bond to secure that the condition was met and that the left-hand turn lane was not included in the conditions and should be.

The applicants have not clearly described where or from which direction they believe the left-hand turn lane from Rhododendron Drive should be installed. The installation with the City's participation is regulated by code, specifically Title 10, Chapters 35 and 36, and examples of design options for Rhododendron Drive and its intersection at 35th Street are laid out in the City's Transportation Systems Plan. The installment process is overseen by the City's Public Works Director. Until the design of Rhododendron Drive and its intersection at 35th Street were approved, there was no way to know how much a bond would be needed. The requirement of a bond, if necessary, may be conditioned during the final PUD approval process and worded so that the City Council will be able to determine how much, if any, City funding, tax credits or other development tools will be needed to complete the project. Nevertheless, Condition 11 in Attachment 4 lays out the terms of the installation of improvements to Rhododendron Drive and its intersection with 35th St.

Item 6. Stormwater Infiltration The appellants discuss the area's (Sea Watch's) previous erosion concerns as well as possible future loss of the riverbank due to infiltration of stormwater from the proposed development. They do not believe the infiltration proposal by the applicants will meet the requirements of Condition 31 which they believe reads differently than the approved condition: "whereby no stormwater is to leave the property" whereas the actual condition reads:

"There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside of the property." The operative word is "additional" and the applicants will be required, in Condition 30, to hire a qualified geologist and/or geomorphologist to assist in conducting Site Investigation, all of which through a process would consider the proposed design of the drainage plan. This subject is more detailed in Item 3 of the Fisher's Petition to Appeal.

MAKING A DECISION

If the City Council determines that the Planning Commission's decisions related to the items under appeal should be affirmed, they can be adopted in their entirety without further need for findings. If the decision seeks to modify, such as to add or revise conditions of approval, or provide a response to legal issues raised by the appellants, staff seeks direction on those changes to support the City Council's decision. In the event of reversal (denial), The City Council will need to provide further direction on clear findings, relying upon existing evidence in the record, to explain its basis on what Preliminary Planned Unit Development and Tentative Subdivision criteria are not met. Staff is available as part of this process to facilitate whatever final decision is made, and prepared to help draft a final order that can affirm, modify, or reverse the Planning Commission's decision.

Affirm The Planning Commission was correct

- Notice of Decision incorporates and adopts Planning Commissions decision

Modify The Planning Commission was mostly correct

- Explain which arguement is more convincing
- Explain how the Planning Commission was wrong
- Provide a new condition of approval, modification of a condition of approval, or remove a condition of approval

Reverse The Planning Commission was incorrect

- Explain how the Planning Commission misinterpreted the code, or misread evidence
- Explain which arguement points to this error
- Explain why a condition of approval cannot fix the error

ALTERNATIVES:

1. Affirm the Planning Commission was correct, with action explained above.
2. Modify the Planning Commission decision, with the action explained above.
3. Reverse the Planning Commission decision, with the action explained above.

STAFF RECOMMENDATION:

Process: The following decision-making schedule is recommended by staff based upon the statutory 120-day requirement and the Applicant's request to submit final written argument:

1) Close the public hearing at the end of the testimony on October 19;

2) Allow the Applicant until 4:00 PM on October 26 to submit its final written argument; and

3) Reconvene the City Council for deliberations and final decision on November 9.

The Applicant has consented to the above schedule and based upon the above schedule it is anticipated the Applicant will grant the City an extension to the 120-day timeline to allow the Council to deliberate on November 9.

Appeal:

Affirm the Planning Commission's decision on all appeal items except those related to density and the landscape plan review. Require a calculation correction using 'net' instead of 'gross' unit/acre and decide on acceptable net density modification or remand to PC for deliberation and decision. On Condition 36 change "should" to "shall" related to the landscape plan. Uphold all other conditions

based on the Planning Commission's findings of fact as provided within the minutes of September 8, 2020 herein, thereby upholding the Planning Commission's overall decision on the Preliminary Planned Unit Development and Tentative Plat in question.

AIS PREPARED BY:	Roxanne Johnston, Senior Planner & Wendy FarleyCampbell, PD
CITY MANAGER'S RECOMMENDATION:	☑ Approve ☐ Disapprove ☐ Other Comments: ERReynolds

ITEM'S ATTACHED:	**Resolution No. 28, Series 2020**
	
	Exhibit A: Findings of Fact
	
	Attachment 1: Petition of Appeal by Steve Williams, dated 9/16/2020
	
	Attachment 2: Petition of Appeal by Darryl and Debra Fisher, dated 9/19/2020
	
	Attachment 3: Petition of Appeal by O. Gary and Frances Plunkett, dated 9/16/2020
	
	Attachment 4: Planning Commission Resolution PC 20 07 PUD 01 & PC 20 08 SUB 01
	
	Attachment 5: Planning Commission Minutes from August 25, 2020
	
	Attachment 6: Planning Commission Minutes from September 8, 2020
	
	Attachment 7: Findings of Fact 8/25/2020
	
	Attachment 8: Applicant Narrative
	
	Attachment 9: TIA Peer Review Comments
	
	Attachment 10: Resolution PC 07 21 MOD 01
	
	Attachment 11: Application Exhibits pertinent to appeal items
	
	Attachment 12: Testimony responding to Petitions of Appeal
	
	Attachment 13: Applicant Response to Petitions of Appeal
	
	Items Available for Reference:
	• Planning Commission September 8th Webpage
	  o https://www.ci.florence.or.us/bc-pc/planning-commission-hearing-10
	• Planning Commission August 25th Wepbage
	  o https://www.ci.florence.or.us/bc-pc/planning-commission-hearing-9

CITY OF FLORENCE
RESOLUTION NO. 28, SERIES 2020

A Resolution Affirming Planning Commission Approval of Appealed Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01, Florence Golf Links, Except Those Relating to Density and Landscape Review.

RECITALS:

1. Mercedes Serra of 3J Consulting representing APIC Florence Holdings, LLC submitted applications for a 126 unit Preliminary Planned Unit Development and Tentative Plat on 9.28 acres at the NE corner of Rhododendron Drive and 35th St.

2. The Planning Commission deliberated in duly publicized meetings on August 25, 2020, September 8, 2020, to review applications for said Preliminary Planned Unit Development and Tentative Plat.

3. The Planning Commission/Design Review Board determined per FCC 10-1-1-6-3 and 10-23-11, 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 adopted Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01; and

4. Steve Williams, Darryl and Debra Fisher, and O. Gary and Frances Plunkett filed appeals per FCC 1-1-7 related to timing, design, and installation of Rhododendron Drive and its intersection with 35th St, density, stormwater plan design and infiltration, native vegetation retention, quality of life, internal parking, short term rental mitigation, neighborhood compatibility, required setbacks, wetland mitigation, and construction bonding.

5. The City Council met in a properly noticed public hearing on October 19, 2020 and has considered the appeal, the evidence in the record including the staff report dated August 25, 2020 and the testimony presented;

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

1. The City Council affirms the Planning Commission's approval of PC 20 07 PUD 01 and PC 20 08 SUB 01 except those relating to density and landscape review by recalculating density per unit acre to reflect 'Net' as outlined in FCC 10-10-4 E to a density of XX units per acre, and modifying Condition 36 by Changing "Should" to "Shall".

2. The final decision on these appeals is attached hereto as Exhibit A and is hereby adopted by City Council.

3. This Resolution shall become effective on October 19, 2020.

ADOPTION:

This Resolution is passed and adopted on the 19th day of October, 2020.

_____
Joe Henry, Mayor

Attest:

_____
Kelli Weese, City Recorder

FINDINGS OF FACT (Proposed)
CITY COUNCIL
Exhibit "A"

Public Hearing Date: October 19, 2020
Date of Report: October 12, 2020
Application: Appeals Items of Resolution PC 20 07 PUD 01 & PC 20 08 SUB 01

On October 19, 2020, the Florence City Council held a public hearing and possibly deliberate and take action on three Petitions to Appeal regarding a September 8, 2020 Planning Commission conditionally approved decision for application numbers PC 20 07 PUD 01 and PC 20 08 SUB 01, a Preliminary Planned Unit Development and Tentative Plat submitted by Mercedes Serra of 3J Consulting representing APIC Florence Holdings, LLC.

The subject properties are located on 9.28 acres at the NE intersection of Rhododendron Drive and 35th St., and identified on Assessor's Map # 18-12-15-33, Tax Lot 0700; Map # 18-12-15-34, Lots 3800, 3900, 4000, 4100 & 4200; & Map # 18-12-22-21, Lot 1900. This proposal includes 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units. Amenities to support this PUD include a pavilion, picnic areas, seating, a children's play area, walking trails, dog park, and pocket garden. Access to the development is proposed via a private internal drive with two entrances from Rhododendron Dr., alleyways providing rear access to single-family attached unit garages and lanes providing access to single-family detached units.

BACKGROUND STATEMENT

These consolidated Type III applications were processed by staff in accordance with FCC 10-1-1-5 (as applicable) and 10-1-1-6-3, Sections A through H; respectively, which included ensuring completeness of the application, noticing for hearings, post hearing, and procedural requirements as they related to processing the conditional approval by the Planning Commission.

The first public hearing for this development proposal was scheduled for July 14, 2020. At that meeting and per the applicant's written request, the Planning Commission did not hear testimony nor discuss the application and moved the public hearing to August 25, 2020. Additionally, the applicant requested an extension of the 120-day Rule (FCC 10-1-1-5 A) to October 21, 2020. This provided additional time for additional hearing dates required to proceed through the approval processes, including this Appeals Hearing.

On August 25, 2020, the Planning Commission heard testimony, deliberated and then voted to close the public hearing, to keep the written record open until September 4, 2020, and to reconvene to a date certain of September 8, 2020. Before doing so, however, the Planning Commission directed Planning staff, the applicant, and a third-party engineer, who the City uses as a peer advisor/consultant, to meet and work towards solutions for Condition 11, 30 and 31. Condition 11 involved traffic counts

(projections and methodology within the applicant's Transportation Impact Study, which was tied to the design of improvements to Rhododendron Drive. Condition 30 involved the requirement to hire a qualified hydrologist and a geomorphologist to supplement the applicant's existing stormwater plan and to prepare/assist in a Phase 1 Site Investigation. Condition 31 called for a stormwater design so that no additional water leave the site. Staff was separately directed to work with the City's legal advisor with regard to short-term rentals and inquire about whether the Planning Commission would be able to place limits on the percentage of units that could be used as rentals within the development.

The applicant, staff and peer advisor had met as instructed by the Planning Commission. The applicants conducted another traffic count at the intersection of Rhododendron Drive and 35th St. as directed by the Planning Commission.

The written record stayed open until September 4, 2020 and staff processed them according to code.

On September 8, 2020, the Planning Commission continued their discussion and deliberation of the applications which included the results of the new traffic counts and peer review comments. The end result of the September 8, 2020 meeting was the conditional approval of Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 with its 36 conditions that need to be met prior to the issuance of Certificates of Occupancy.

Following the conditional approval of Resolutions PC 20 07 PUD 01 and PC 20 08 SUB 01, Planning staff received Petitions to Appeal documents from three appellants, the required fees and affidavits of mailing from each appellate within the proceeding's twelve-day deadline of the September 8, 2020 Planning Commission meeting and as outlined in Florence City Code Title 10, Chapter 1, Section 10-1-1-7. These Petitions to Appeal were submitted by Steve Williams, (submitted 9/17/2020); Debra and Darry Fisher, (submitted 9/20/2020); and O. Gary and Frances Plunkett, (submitted 9/20/2020). Upon receipt of the three appeal requests, the appeal hearing notice was mailed on September 28, 2020 as required by FCC 10-1-1-6-3 (B).

APPEAL TIMELINE

State Law and City code requires land use applications be processed within 120-days of the application being deemed complete. The applicant extended the 120-day timeline to October 21st after requesting postponement of their hearing to August 25th.

The following decision-making schedule is recommended by staff based upon the statutory 120-day requirement and the Applicant's request to submit final written argument:

1) Close the public hearing at the end of the testimony on October 19;

2) Allow the Applicant until 4:00 PM on October 26 to submit its final written argument; and

3) Reconvene the City Council for deliberations and final decision on November 9.

The Applicant has consented to the above schedule and based upon the above schedule the Applicant will grant the City an extension to the 120-day timeline to allow the Council to deliberate on November 9.

APPEAL ITEMS

There are three appellants with 17 total items for Council' consideration. These topics are presented below, with input on code criteria and conditions of approval as applicable.

APPELLANT STEVE WILLIAMS – (ATTACHMENT 1)

Item 1. Left-Hand Turn Lane Construction; Improvements Construction Activity Timing

Appellant Williams refers to FCC Title 10, Chapter 23 and Condition #11 of the Resolution (Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01) in this first appeal issue. Mr. Williams explains that there was, at one point, "a discussion during the September 8, 2020 meeting" whereby the topic of when construction of the road improvements "(like the 35th street left turn lane)" would be completed, such as prior to or after occupancy and states that he believes the improvements should be completed first as heavy equipment and traffic by contractors entering and exiting the development would pose a safety hazard to the neighborhood.

Williams does not provide code language setting actual timing requirements of the improvements' installation. Timing of the improvements and installation are not set by City code. Development of streets is outlined in Title 10, Chapters 35 and 36 and installation is overseen by the City's Public Works Director. The minutes for the September 8, 2020 Planning Commission meeting are included in Attachment 6.

Item 2. Traffic Plan/Rhododendron Drive Configuration

Appellant Williams references the Sea Watch Hearing Group in the second point of his Petition to Appeal stating that the members have submitted several testimonial letters to the Planning Department offering suggestions, such as middle turn lanes for acceleration/deceleration areas for traffic entering and exiting from the Rhododendron Drive and Coast Guard Road and into the new development. He further explains in the appeal that "We [the aforementioned group] tried to stress the future traffic needs; that the opportunity to do this is now, or it will all be lost."

Planning staff received numerous testimonials from residents in Sea Watch Place located west of the proposed development. Testimony received before 4:00 PM August 25, 2020 was forwarded to the applicant team for the development, posted online, and shared with the Planning Commission.

Additional testimony accepted up until September 4, 2020 was distributed similarly for the September 8, 2020 Planning Commission meeting.

Although development may trigger, generally speaking, improvements to public infrastructure as it has in this instance with Rhododendron Drive, no nexus has been provided that would require the applicant of the PUD/SUB to mitigate the intersection at Coast Guard Road and Rhododendron. While it may be true that traffic exiting from Coast Guard Road experience difficulties given the speed limit (40 MPH) on Rhododendron Drive and its curve to the north of that intersection, the applicant is not responsible for reducing the speed. They are responsible in paying their fair share for installing improvements exiting and entering the development, which is why the Planning Commission conditioned them to add a southbound left turn lane which should turn into the development and 35th St. and to modify the intersection at 35th St. and Rhododendron, (Condition 11 in Attachment 4).

Within this same item (Item 2), Mr. Williams references Exhibit R, an exhibit posted online prior to the September 9, 2020 Planning Commission meeting, where it was discussed. Exhibit R is a copy of a Resolution PC 07 21 MOD 01 packet (including its own exhibits) approved on August 7, 2007. (This earlier Study referenced by Mr. Williams may be found in Attachment 10 of this AIS). This earlier request involved a modification of Condition 7 as it related to a now older development proposal of that site area of the former "Sandpines Resorts," (now Fairway Estates). The modification request called for a redesign of Rhododendron Drive so that it could be improved to conform to the standards of a Transportation Plan draft that had not yet been adopted by the City Council. The final modified Condition 7 of the related adopted Resolution reads:

> *"Rhododendron Drive Improvements: The applicant shall improve Rhododendron Drive to urban standards as identified in the City's Rhododendron Drive Integrated Transportation Plan – Final DRAFT prepared by Parametrix, June, 2007. This includes two travel lanes, curb, gutter, and multi-use path that is a minimum of 12 feet wide, from the north side of the proposed site access to the south side of 35th Street, including intersection improvements. Rhododendron Drive improvements shall be included within the public improvement plan and installed as part of the improvements." (Attachment 10, p.2).*

Mr. William's main point related to the above is that the applicant team of the proposal by APIC Holdings, Inc. did not include an evaluation of the intersection of Coast Guard Road and Rhododendron Drive within their traffic impact analysis even though the proposed development is located directly across from this intersection. He added that future development will "add hundreds of new neighbors to the north using this part of Rhododendron Drive." Mr. Williams refers to FCC 10-23-4(C) as 'a plan in a 2005 study" with a goal of handling traffic safely and without congestion: Although not included in the 'study' he refers to, the code, (p. 36 of the August 25th 2020 Findings of Fact Attachment 7), which relates to Planned Unit Developments:

"10-23-4(C): The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or

collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets."

Mr. Williams appeal states that many of the members have approached City Council through time to address the Coast Guard Rd. intersection and provided solutions. He further explains that given traffic problems and accidents at the intersection, an opportunity for a left-hand turn lane as presented in what he calls the 2005 study (from which Condition 7 as modified in 2007) could be a solution. This earlier Study referenced by Mr. Williams may be found in Attachment 10. He is asking that a middle turn lane be re-examined.

Code and instruction to assess for design and installation of Rhododendron Drive and its intersection with 35th Street are included in FCC Title 10, Chapter 35: Access and Circulation; Chapter 36: Public Facilities, and the City's Transportation System Plan (which provides cross sections specifically related to the design of Rhododendron Drive and 35th St.). The Public Works Department oversees the development of streets and in this instance, the Public Works Director, upon several occasions during the related Planning Commission meetings held on August 25, 2020 and September 8, 2020 (Attachments 5 and 6), explained that the City has the stretch between Rhododendron Drive and 35th Street beyond Coast Guard Road on the City's workplan schedule.

Item 3 Workforce Housing Goals vs AirBnBs

Mr. William's final appeal item addresses City Code and the Florence Realization 2020 Comprehensive Plan with regards to the provision of workforce housing. He references a goal within the Comp Plan, referencing "the need for affordable and workforce housing(,)" and believes a minimum time frame for allowing short term rentals within the development would be a 30-day lease requirement "at least for a percentage of the homes" and that these should be included in the PUD's Covenants, Conditions, and Restrictions so that the Comp Plan's housing goals can be met. He states that the current zoning lends itself to workforce housing, but should not be used for AirBnbs, and that the proposed development lends itself to such short-term rental opportunities. He provides several of these opportunities in his Petition to Appeal. Mr. William's main point is that when such uses are allowed, this contributes to housing shortages in Florence because the profitability of AirBnBs affect affordability for traditional workforce housing rentals.

City Code does not contain language limiting the percentage or numbers of short-term rentals a development may contain. Historically, these are limited by individual CC&R's, which the City does not enforce. Williams had brought up this subject during the August 25, 2020 meeting, (Attachment 5, p. 3). This topic was discussed during the September 8, 2020 meeting, found in Attachment 6, p. 2.

APPELLANTS DARYLL AND DEBRA FISHER (ATTACHMENT 2)

Item 1. Stormwater Management - The Fishers state the applicant has "failed to demonstrate" that conditions of approval are feasible. Neither codes nor excerpts stated from material provided from the

August 25, 2020 and September 8, 2020 Planning Commission hearings were contained in the Fisher's Petition to Appeal to support this statement.

The applicant is conditioned on the hydrology and stormwater design as indicated in Conditions 30 and 31 of Attachment 4:

> Condition 30: *"Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade."*
>
> Condition 31*: "There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside of the property.*

<u>Item 2.—Neighborhood Incompatibility</u> The Fishers reference FCC 10-23-4 A and B commenting that the proposed development violates Planned Unit Development code in that the development is incompatible with surrounding neighborhoods. The code language itself was not stated in their appeal; however, this code, (Attachment 7, p.p. 35 - 36) reads:

> *10-23-4: GENERAL CRITERIA: Applicant must demonstrate that the development conforms to all the following criteria:*
>
> *A. The proposed development shall be compatible with the general purpose and intent of the Comprehensive Plan.*
>
> *B. The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.*

No explanation is provided by the appellants to demonstrate how the proposed development is incompatible.

FCC 10-23-5 H, found in p.p. 41- 43 Attachment 7 as applicable to Planned Unit Developments states:

FCC 10-23-5 H: The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:

1. High quality building design using Old Town and Mainstreet Architectural Standards or higher standards
2. Incorporation of unique land forms into the final PUD design
3. More recreation space than the minimum required

4. *On-site amenities reflecting the value of both active and passive recreational facilities*
5. *Natural resource protection, where identified as part of a preliminary site investigation report*
6. *A mix of dwelling unit types and densities*
7. *A mix of residential, commercial, and recreational uses, where zoning permits."*

The proposed development contains a mix of residential intensities designed, for the most part, to transition from the least intense units (single-family detached) along the subject property perimeter, to medium dense units (single-family attached) being situated more generally centrally and the denser multi-family units fronting Rhododendron Drive. The latter buildings are not abutting existing single-family development. Given the criteria above, this design more closely resembles criterion B of the above Code, "…or will adequately reduce the impact where there is a departure from the character of adjacent land uses." The trade-off here from the conventional zoning requirements and density limitations include the transect design. The incorporation of unique land forms is not applicable here. The applicants have demonstrated their provision of open space over the required amount, and have been conditioned to include additional on-site amenities with Condition 13.a (Attachment 4, p.4). They have also been conditioned to provide a Phase 1 Site Investigation report in Condition 30, (Attachment 4, p. 6.), and they have provided a mix of unit types and densities in addition to recreational uses.

Item 3. Lack of a Phase 1 Site Investigation Report The Fishers state that the Planning Commission made an error in approving the application when wetlands are present on the property "in the absence of a Phase 1 site Investigation." They further contend that such an investigation could affect the buildable area within the property, which "could affect the applicant's ability to comply with various other design and approval criteria (…)" and that "this requirement cannot be relegated to a condition of approval." No code is referenced by the appellants, nor specific condition(s) of approval and therefore they fail to demonstrate how the Planning Commission erred in their approval.

The Planning Commission did condition the applicant to provide a Phase 1 Site Investigation as evidenced in Condition 30 of Resolutions PC 20 07 PUD 01 and PC 20 08 SUB 01:

30. Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade.

In the event the Phase 1 Site Investigation reveals wet areas and wet soil types, then a Phase II Conditional Use permit would be reviewed before the Planning Commission as required by Title 10 Chapter 7, whereby the applicant would be required to demonstrate how they would mitigate the risk of hazardous soil types through their stormwater management design. There is risk to the applicant of proceeding in advance of completing this investigation work. Required Site Investigation work must be completed prior to site disturbance. The above condition addresses this requirement.

Item 4. "The traffic impact analysis did not take into consideration anticipated additional volume generated by other future development in the immediate area or address other deficiencies noted by staff." In this appeal item, the Fishers do not specifically state which deficiencies are noted by staff. A central reason the Planning Commission September 8, 2020 meeting was continued from the August 25, 2020 meeting was to address the information provided by the applicant, who had conducted additional left-hand turn lane traffic counts during peak AM and PM hours on September 27, 2020. The traffic counts they had conducted prior to that time were in December of 2019. The

applicants then incorporated the new September turning data in addition to existing TIA data from a previous development to the north (Fairway Estates). The results were peer reviewed by a third-party engineering consultant who concurred with the data, but not the standard method the applicant engineer used for determining the need for a right-hand turn lane, (Attachment 9).

Item 5. "The item does not meet interior and other setback criteria." No code is cited by the Fishers to support this statement. The Findings of Fact (p.p. 41-43 of Attachment 7) explain that the nature of a PUD lends itself to relaxed code standards as referenced in Title 10, Chapter 23, Planned Unit Development (p. 34, Attachment 7). Section 10-23-1 B reads, "Encourage innovative land utilization through a flexible application of zoning regulations." Furthermore, the following code supports the Planning Commission's authority to approve the requested modifications, which included setbacks:

FCC 10-23-5 H: The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:

1. *High quality building design using Old Town and Mainstreet Architectural Standards or higher standards*
2. *Incorporation of unique land forms into the final PUD design*
3. *More recreation space than the minimum required*
4. *On-site amenities reflecting the value of both active and passive recreational facilities*
5. *Natural resource protection, where identified as part of a preliminary site investigation report*
6. *A mix of dwelling unit types and densities*
7. *A mix of residential, commercial, and recreational uses, where zoning permits."*

A similar appeal of the Fisher's has been discussed above under Item 2.

Item 6. Gross Density vs. Net Density The appellants are inquiring if the density, which was measured using "gross" acreage instead of "net," is acceptable by code. The answer is "no"; that it is not acceptable by code. Both applicant and staff failed to calculate density using "net" per FCC 10-10-4 E use table, (referenced on p. 37, Attachment 8). This table describes that the maximum average net density (units/acre) for the RMH zoning district is 12 units per net acre. FCC 10-2-13 defines "Density, Net" as *"The number of dwelling units per each acre of land excluding from the acreage dedicated streets, neighborhood parks, sidewalks and other public facilities."*

Since the submission of the Fisher's Petition to Appeal, calculations were made for net density unit per acre. The acreage from each lot was added to the open and recreational spaces arriving at an estimate of 7.156 acres. The reason the number is an estimate is because the streets and lanes were not dimensioned in the tentative plat sheets. Because the overall development contains 9.26 acres, the method to calculate street and lane acreage was to add the acreage of each lot (and its square footage) with the open and rec space acreage, which totaled 7.156 acres (see below) and to subtract 7.156 from 9.26. Thus, the loop street and lane acreage amounted to approximately 2.124 acres, which would not be included when calculating the net density per acre. Additionally, there is property proposed for dedication to Siano Loop for sidewalk construction that should be excluded.

Below is the methodology used to calculate Net Density per Unit/Acre:

- Open Space Acreage: **1.88**
- Recreation Space Acreage**: 0.686**
- **Combined** Open and Rec Space Acreage**: 2.566**
- Lot Acreage: **4.59**

TOTAL NET ACREAGE: Open Space + Recreation Space (2.566) + Lot (4.56) = 7.156 acres

Since the subject property's underlying zoning district of RMH allows a maximum net density of 12 units per acre, the following was multiplied: 7.156 by 12, (7.156 X 12) = **85.872** max units allowable per RMH District. The applicant proposes 126 units equating to 40 total extra units or 5.58 units per net acre over the 12 units per net acre stipulated in code. The proposal as proposed now includes approximately 17-18 units per net acre.

The Planning Commission approved 13.6 units per unit acre which was communicated in the findings and the applicant's materials as an excess of around 1.5 units per acre above the code allowance. While a PUD can have a greater density per FCC 10-23-5 H, (p. 41, Attachment 7) and the applicant has requested it and the Planning Commission approved it, the amount of extra density approved equates to 3.1 units per acre more than communicated since a calculation using gross was used instead of net. Of note the density difference is compounded by a requested reduction and approval in right-of-way width for Loop Rd. The extra density "ask" by the applicant is thus really even more because the street's ROW width is less than code standards or additional acreage that would be removed from the 7.156 acres used to calculate the net. A recalculation of the density using net would be required to identify the actual units over the base minimum of 12 units/acre proposed. City Council will either decide on an acceptable net density such as the 13.6 calculated by staff and the applicant and that PC thought they were approving or return the issue back to Planning Commission for deliberation and decision. This section will be revised according to the action taken.

Item 7. Native Vegetation Retention The appellants explain that they are appealing the issue of retaining the existing native vegetation so that it resembles Fairway Estates for continuity and keeps Rhododendron Drive scenic. They wish this topic to be revisited as it was brought up in the September 8th meeting by Commissioner Young. The September 8, 2020 Planning Commission meeting minutes had not yet been approved when the Fisher's submitted their appeal. Reference to Commissioner Young's comments regarding vegetation are found on p. 4 in Attachment 6.

The City has no code that proactively protects vegetation as a greenbelt along this specific area. This intention is mentioned in the Florence Realization 2020 Comprehensive Plan, but is not linked to Title 10 of the Zoning Code. The subject property sits below Rhododendron Dr. and the surrounding development and forms a natural bowl. As such, the applicants are proposing to prepare the property by using fill and grade in order to ensure that slopes within the development are level. To do this, they will need to remove the vegetation and are planning to replant with native landscape plants and trees. The Planning Commission placed Conditions 26 and 36 on the development:

> *26. A final Landscape Plan associated with the rights-of-way (plantings such as street trees), the on-site swale proposed along Rhododendron Drive, and the swale proposed within the Rhododendron Dr. right-of-way need to be provided with Public Improvement Plans for review*

and approval by Public Works prior to site disturbance and prior to Final PUD or Final Plat approvals. Plans shall include the street tree planting location, size, species, root guard, irrigation, and evidence of planting within a 4' by 4' tree well. Landscape plans shall also be provided for review and approval in conjunction with each associated design review for the Type II single family attached and apartment developments. Final Stormwater planting and construction details shall be submitted for review and approval prior to application for building permits for the single family attached and detached proposals.

36. Applicant shall submit a vegetation planting plan with native plantings along Rhododendron Dr. for a width of ten (10) feet on the applicant's property. Such plan should be provided in conjunction to or with the Final PUD and/or Final Plat application.

A final landscape plan for the swale and right-of-way areas is required to be submitted with the public improvement plan for Public Works review. The entirety of the landscape plan will be reviewed with the Final PUD application, subject to public comment, and approved by the Planning Commission. The landscape areas proposed with the apartments and townhomes will undergo public review with their associated Type 2 applications. Reword Condition 36 above to replace "should" with "shall".

Item 8. Appeal Combination The appellants requests that the Petition to Appeal by Gary Plunkett and Frances Plunkett (Attachment 3) to be included in the Fisher's Petition to Appeal. This is not an appeal issue.

Plunkett's appeal items are below.

APPEAL ITEMS BY APPELLANTS O. GARY PLUNKETT, P.E. AND FRANCES PLUNKETT (ATTACHMENT 3)

Item 1. Personal Negative Effect The appellants state that the development will negatively affect them. The Plunketts offer no further explanation.

Item 2. Gross vs. Net Density The appellants are opposed to the proposed density (calculated as "Gross Density" instead of "Net Density", which by code is more restrictive. A change from the "gross" amount to 'net' density of units per acre would reduce the number of units at the site. This subject is previously discussed above the Fishers' Item 6 of their Petition to Appeal. The Plunketts take the argument against increased density further by tying their density calculations into increased traffic.

Item 3. Inadequate Parking The Plunketts state that since the project is designed to provide low cost housing, then "low income residents" will occupy more than one person per bedroom and that there will be "more residents and vehicles than the planners have indicated." In turn, they argue, this will generate more traffic and require more parking spaces than planned and that the development has not provided for this additional parking.

Evidence supporting this item by the Plunketts was not provided by them. Page 15 of the FOF in Attachment 7 addresses the required parking. The applicant has provided all but eight (8) on-site parking spaces within the development and have provided street parking within the private loop road that makes up for and exceeds these deficits. Being that the application is a Planned Unit Development, the Planning Commission had the authority to relax the usual parking standards and allow eight of the on-street parking to count for the difference. Additionally, FCC 10-3-4 states*: " Applicants may ask the*

Planning Commission for a reduction for parking spaces as part of their land use applications." The Planning Commission was within their right to allow a reduction in the number of required parking. The number of on street parking spaces amounts to 46 spaces in the applicant's proposal; however, some of these spaces will need to be removed as the applicants were conditioned to delete those adjacent to the required fire lanes.

Item 4. Vacation Rentals This item is very similar to Item 3 listed in Mr. William's Petition to Appeal and discussed above. The appellants believe this "low income rental unit" development should be limited to a minimum rental period of 30 days to avoid being used for vacation rentals. No code has been presented by the appellants to support this requirement.

Item 5. Rhododendron Dr. Left-had turn lane & Bonding This item relates to the design of Rhododendron Drive and the two driveways as entrance/exit points for the development. The appellants explain that the driveway openings are a short distance from each other and that the absence of left-hand turn lanes from Rhododendron Drive will create hazardous traffic conditions. They further state the need to have a left-hand turn lane and that although the developer was conditioned to install a left-hand south bound turn lane at the intersection of Rhododendron Drive and 35th St., it appears that this is not what the appellants believe is needed. Additionally, they observe that there was no requirement for a performance bond to secure that the condition was met and that the left-hand turn lane was not included in the conditions and should be.

The applicants have not clearly described where or from which direction they believe the left-hand turn lane from Rhododendron Drive should be installed. The installation with the City's participation is regulated by code, specifically Title 10, Chapters 35 and 36, and examples of design options for Rhododendron Drive and its intersection at 35th Street are laid out in the City's Transportation Systems Plan. The installment process is overseen by the City's Public Works Director. Until the design of Rhododendron Drive and its intersection at 35th Street were approved, there was no way to know how much a bond would be needed. The requirement of a bond, if necessary, may be conditioned during the final PUD approval process and worded so that the City Council will be able to determine how much, if any, City funding, tax credits or other development tools will be needed to complete the project. Nevertheless, Condition 11 in Attachment 4 lays out the terms of the installation of improvements to Rhododendron Drive and its intersection with 35th St.

Item 6. Stormwater Infiltration The appellants discuss the area's (Sea Watch's) previous erosion concerns as well as possible future loss of the riverbank due to infiltration of stormwater from the proposed development. They do not believe the infiltration proposal by the applicants will meet the requirements of Condition 31 which they believe reads differently than the approved condition: "whereby no stormwater is to leave the property" whereas the actual condition reads:

"There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside of the property." The operative word is "additional" and the applicants will be required, in Condition 30, to hire a qualified geologist and/or geomorphologist to assist in conducting Site Investigation, all of which through a process would consider the proposed design of the drainage plan. This subject is more detailed in Item 3 of the Fisher's Petition to Appeal.

Decision:

Process: The following decision-making schedule is recommended by staff based upon the statutory 120-day requirement and the Applicant's request to submit final written argument:

1) Close the public hearing at the end of the testimony on October 19;

2) Allow the Applicant until 4:00 PM on October 26 to submit its final written argument; and

3) Reconvene the City Council for deliberations and final decision on November 9.

The Applicant has consented to the above schedule and based upon the above schedule it is anticipated the Applicant will grant the City an extension to the 120-day timeline to allow the Council to deliberate on November 9.

Appeal:

Affirm the Planning Commission's decision on all appeal items except those related to density and the landscape plan review. Require a calculation correction using 'net' instead of 'gross' unit/acre and decide on acceptable net density modification or remand to PC for deliberation and decision. On Condition 36 change "should" to "shall" related to the landscape plan. Uphold all other conditions based on the Planning Commission's findings of fact as provided within the minutes of September 8, 2020 herein, thereby upholding the Planning Commission's overall decision on the Preliminary Planned Unit Development and Tentative Plat in question.

EXHIBITS & ATTACHMENTS:

Approval shall be shown on conditions of approval as supported by the following record:

Exhibit:

A	Findings of Fact

Attachments:

1	Williams Appeal
2	Fisher Appeal
3	Plunkett Appeal
4	Resolution PC 20 07 PUD 01 & PC 20 08 SUB 01
5	8/25/2020 PC Minutes
6	9/8/2020 PC Minutes
7	Findings of Fact 8/25/2020
8	Applicant Narrative
9	TIA Peer Review Comments
10	Resolution PC 07 21 MOD 01
11	Masterplan, Landscaping & Stormwater Drainage
12	Testimony in Response to Petitions to Appeal
13	Applicant Response to Petitions of Appeal

Attachment 1 Williams

September 16, 2020

To: City of Florence Planning Department

From: Steve Williams, 18 Sea Watch Place, Florence, OR 97439
bc: Sea Watch Hearing Grp.

The purpose of this letter is to appeal certain aspects of Resolution PC 20 07 PUD 01 Rhododendron Drive approved dated 9/10/2020.

Per City requirement, 67 letters with this intent to appeal were mailed to those on record to whom it may concern. (List provided by the City)

Items for Appeal:

Item 1. Chapter 23 #11 of the resolution (Left Hand turn lane construction)
At one point, there was discussion at the 9/8/2020 meeting about when road improvements (like the 35th street left turn lane) would be constructed; prior to construction or after occupancy? I would like to point out to the City that traffic related to the site will occur instantly, with many contractors and large vehicles coming and going while construction is underway. For the safety of our neighborhood, I would ask the City if they would consider doing all the road improvements prior to construction activity.

Item 2. Traffic plan / Rhododendron Dr. configuration.
Reference Exhibit R PC7021 Mod 6 presented at the meeting 09/08/20
Available on the City Webpage related to the 09/08/20 meeting
We (Seawatch Hearing Group) have submitted several letters on traffic suggestions, e.g. middle turn lanes and acceleration and deceleration areas for traffic exiting off Rhododendron Drive onto Coast Guard Road and into the new development off of Rhododendron Drive. We also tried to stress the future traffic needs; that the opportunity to do this is now, or it will be lost.

At the Planning meeting of 9/8/2020, a traffic plan developed for the Sandpines area from 2005 was in the agenda materials. This was a "plan", not a limited TIA. It included the need for many of the suggestions we have submitted. The plan's stated goal was to handle traffic, **"Safely and without congestion".**

RECEIVED
City of Florence
SEP 17 2020
By: DHH

One item in the plan was a middle turn lane from 35th Street to Sandpines (now called Fairway Estates), I hope this plan and the middle lane recommendation it made can be reconsidered.

Any evaluation of our intersection (Coast Guard Station Road and Rhododendron Drive) was not considered in the TIA even though we are right across the street. Our members have been before the City Council several times asking for help with the current traffic problems we face and the accidents that have occurred. The left turn lane described in the 2005 study would greatly help our situation and the dangers we face decelerating to make the left turn into Sea Watch Estates. This often catches people off guard on a 40 mph road. Others become aggressive as we block their path waiting for a safe opportunity to execute the turn.

As developments like the one proposed, Fairway Estates phases 1 &2, other PUD's north still being built out, and eventually new developments from planned annexations in the Heceta areas, there will be hundreds of new neighbors using this part of Rhododendron Drive. This will get much worse.

There is an opportunity with this project to address these issues and provide a "safe and without congestion" traffic corridor for all.

I hope the middle turn lane can be reexamined, and hope this doesn't become a missed opportunity.

Item 3. Meeting Criteria for the Florence Realization 2020 Comprehensive Plan for workforce housing goals (vs Air BnB's)

Resolution PC 20 07 PUD1 dated 9/10/20 states both City Code and goals of the **Florence Realization 2020 Comprehensive Plan** are to be considered**.** One such goal is "the need for affordable and workforce housing." (ref. summary Chp 10 page X-5 summary of the 2020 plan). I would suggest that a reasonable requirement would be for this new PUD to have a minimum 30 day lease requirement (at least for some percentage of the homes) be included in their CC&R's as a condition to meet the goals of the **Florence Realization 2020 Comprehensive Plan for housing goals.**

Explanation / Grounds:
The current zoning is for Mobile and Manufactured Homes, very well suited for affordable "Workforce housing" and not well suited for commercial profit from being used as Air B&B's. At the meeting on 8/25/2020, I asked if the developer if they would commit

that these new homes be used strictly as "WorkForce Housing" and not used for Air BnB's. They could easily put that in their CC&R's. As I understand it, the City currently has no limitation on Air BnB's.

As currently designed, the project is ideal for much sought after Air BnB's, They are homes with little to no yard maintenance, and people just visiting have little need for yard space. Whether it be APIC owned or something I could invest in and use as an Air BnB, the rent potencial would be greater than a reasonable rent a worker could afford. Florence doesn't have a shortage of rentals, there are hundreds of them already - they are just many Air BnB's homes because it is so profitable. People want to come here - and are willing to pay more than a worker can afford. This is an underlying issue with traditional/workforce rental shortages in Florence.

As basically no maintenance properties, with no 30 day minimum lease requirement, they would be extremely attractive to buyers from out- of- town who could use them sometimes themselves, Air BnB them out when not in use, and get a tax advantage. I have concern and doubt that any "Workforce" will have access to these new homes without a 30 day lease requirement.

We know several people who provide services for us, having a difficult time finding a rental home. A 30 day lease requirement could insure that some of these homes will help the workforce and help City goals for such.

I hope these 3 items can be considered by the City. Sincerely, Steve Williams

Attachment 2 Fisher

September 19, 2020

Darryl & Debra Fisher
22 Sea Watch Place
Florence Or 97439

To: City Of Florence Planning Department

RE: Appeal in regards to Resolution PC 20 07 PUD 01 & PC 20 08 SUB 01(35th & Rhododendron) that was approved with conditions on 9/10/20202

List of Items for Appeal,

1. The applicant failed to demonstrate that the conditions of approval concerning storm water management are feasible

2. The proposed development is incompatible with surrounding neighborhoods in violation of PUD General Criteria set forth at 10-23-4 A&B

3.The Planning Commission erred in approving the proposal notwithstanding outstanding questions regarding the presence of wetlands and the absence of Phase 1 site Investigation. The outcome of this investigation could affect the amount of buildable land within the project's footprint, which in turn, could affect the applicant's ability to comply with various other design and approval criteria. This requirement cannot be relegated to a condition of approval.

4.The traffic impact analysis did not take into consideration anticipated additional volume generated by other future development in the immediate area or address other deficiencies noted by staff.

5.The application does not meet interior side and other setback approval criteria.

6.The applicant appears to be basing housing density on their "gross acreage", and including all non build able areas required for support of the housing including interior roadways, common area street parking, drainage basins and drainage structures that cannot be walked on. Questioning is this in compliance with city codes?

7. In the last meeting, the issue of leaving native vegetation was discussed, Sandy brought up the point and we are appealing that this be revisited to keep Rhododendron drive scenic and it resembles Fair Way Estates frontage for continuity.

8. Also included is the official mailing letter of separate appeal from Gary & Frances Plunkett at 17 Sea Watch Place Florence Or 97439. This is to be included with our appeal.

Thank you,
Darryl & Debra Fisher

cc: Sea watch HOA, Ken Dobson attorney at law

Attachment 3 Plunkett

O. GARY PLUNKETT, P.E.
FRANCES P. PLUNKETT
17 SEA WATCH PLACE
FLORENCE, OR 97439

September 16, 2020

NOTICE OF INTENT TO APPEAL
PLANNING COMMISSION RESOLUTIONS
PC 20 07 PUD 01
PC 20 08 SUB 01
September 8, 2020

Wendy Farley-Campbell
City of Florence
Planning Director
250 Highway 101
Florence, OR 97439

Dear Ms. Farley- Campbell,

The purpose of this letter is to request an appeal of the Planning Commission's approval of the proposed PUD development located on Rhododendron Drive immediately North of the intersection with 35th Street.

There are several reasons for this appeal:

1. We are residents of Sea Watch Estates, and would be directly affected by the negative impacts that would result from the proposed development.

2. The current zoning is RMH, Mobile - Manufactured Homes. This zoning allows a density for developments of up to 12 units per acre. The proposed development has planned for 13.65 units per acre. This equates to an additional 15 units more than allowed under the existing zoning. At least 30 more residents, and probably 30 more vehicles, and 60 more vehicle trips per day in and out of the proposed development. These additional 15 units should not be allowed.

3. Since the proposal is to create low cost housing, and if these units will truly be occupied by low income residents, there could easily be many more residents and vehicles than the planners have indicated. It is not uncommon for low income residents to occupy more than one person to a bedroom. This over

occupation will result in many more vehicle parking needs than planned, and more vehicle trips than has been projected. The proposed development has not allowed for adequate vehicle parking.

4. The approval gave no consideration to the fact that any or all of these units could be utilized as vacation rentals. This would be very appealing to owners since the rental value as a vacation rental would far exceed that which could be realized from a low income rental unit. The conditions of approval should include a provision that requires a minimum rental period of 30 days to prevent the use of these units as vacation rentals which would completely defeat the purpose of the proposed development.

5. The proposal shows two entrances onto Rhododendron Drive within what appears to be a short distance. The distance is indeterminable from the schematic drawings, but without left turn lanes from Rhododendron Drive, this design will create the potential for a hazardous condition for left turning traffic into the development from Rhododendron Drive. A left turn lane should be constructed as a condition of approval of this development, but this has not been required. The developer has been required to enter into an agreement to participate in construction of a left turn lane at the intersection of Rhododendron Drive with 35th Street, but there has been no requirement to provide a performance bond to secure this condition. These two items should be included as conditions of approval.

6. Our most significant concern relates to storm water drainage from the proposed development. The conditions of approval included developer submittal of a hydrogeology study to determine the effects of infiltration as it applies to the stormwater disposal plan for this development. This is entirely appropriate since it is factually known that ground water does move from East to West, toward the river at this location. A comprehensive study proving the existence of this condition was performed in 2011 by Gunnar Schlieder, Ph.D., Certified Engineering Geologist. The study and report was performed at the request of our neighbor at 16 SeaWatch Court to develop solutions to the loss of riverbank soil immediately adjacent the West of their house. If not corrected the loss of the riverbank material would have caused their house to collapse down the slope into the river. The study concluded that the erosion of the riverbank soil was caused by precipitation falling onto the dune sands to the east of the home where it percolates downward into the sandy soil until it reaches an impermeable layer, and then moves westward through the base of the dune sand until it reaches the bank of the river where it then escapes and erodes the soils away causing the

bank to collapse. The Coast Guard land to the North of the SeaWatch subdivision has experienced similar problems since the construction of the infiltration drainage system for the Fairway Estates development. The storm water drainage from the area proposed for development already creates erosion of the riverbank where it escapes into the river. Any plan that would include infiltration as a storm drainage solution for this development would cause even greater erosion problems due to the more rapid rate of infiltration that would result from paved areas, and rooftop runoff. Condition Number 31 of the approval provided that no storm water runoff was to be allowed to leave the property. The infiltration proposal does not meet this condition since it has been proven by the highly qualified expert, Dr. Gunnar Schlieder, that storm water does leave the site. Any increase in the rate of that discharge would without doubt cause further damages to riverbank properties.

It is our request that the proposed development be denied as submitted.

Thank you for your consideration,

O. Gary Plunkett and Frances P. Plunkett

Copies to:
City Council Members
3J Consulting
APIC Florence Holdings, LLC

Mailed 9/17/2020

Attachment 4
Res. PC 20 07 PUD 01 & PC 20 08 SUB 01

CITY OF FLORENCE
PLANNING COMMISSION

RESOLUTION PC 20 07 PUD 01
RESOLUTION PC 20 08 SUB 01

A REQUEST FOR PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION PLAT, A PROPOSED MIXED RESIDENTIAL DEVELOPMENT AT THE NORTHEAST INTERSECTION OF RHODODENDRON DRIVE AND 35TH STREET

WHEREAS, applications from Mercedes Serra, 3J Consulting, on behalf of APIC Florence Holdings, LLC, seeking approvals for a proposed PUD which include 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units were made as required by FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-23, and FCC 11-3; and

WHEREAS, the Planning Commission met in a duly-advertised public hearing on August 25, 2020, 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 on August 25th closed the public hearing, left the written record open until September 4, 2020 and scheduled deliberations to a date certain of September 8, 2020; and

WHEREAS, the Planning Commission of the City of Florence, per FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-23, and FCC 11-3, on September 8, 2020 finds, based on the Findings of Fact, application, staff recommendation, evidence and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

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

The request for a Preliminary PUD Plan and Tentative Subdivision Plat for 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units at the northeast intersection of Rhododendron Drive And 35th Street meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan 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.

Approval shall be shown on conditions of approval as supported by the following record:

A	Findings of Fact
A1	Supplemental Findings of Fact
B	Prelim. PUD and Tent. Subdivision Plan Application
C	Applicant Narrative
C1	Applicant Letter to Planning Commission
C2	Applicant Continuance Request and Emails
C3	Applicant Letter to Planning Commission 9-3-2020
D	Master Plans Sheets A-1 thru A-19
E	Landscape Plans Sheets L-1 thru L-4
F	Prelim. Stormwater Management Report
F1	Geotechnical Evaluation of Groundwater Hydraulics
G	Traffic Impact Analysis
G1	Revised Traffic Impact Analysis
G2	TIA Memo 9-4-2020
G3	Harmelink
H	Tent. Plat Sheets C-0 Thru C-8
I	Confederated Tribes Response Letter
J	Excerpt from 2011 Parks and Rec. Plan, Fig. 4.4 Map
K	Traffic Peer Review Letter 7/7/2020
K1	TIA Peer Review Comments
M	Century Link Response Letter
N	SVFR Referral Comments
O	Civil West Review Analysis Stormwater
P	Water Solutions Inc. Stormwater Review
Q	Applicant Westland Delineation Study
Q1	DSL Wetland Notification and Reply
R	Resolution PC 07 21 MOD 01

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

2. Regardless of the content of material presented, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal

Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.

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

Title: 10 Chapter 3

4. For the Final PUD application, the applicant shall submit to the Planning Department an updated dimensioned parking lot plan on Sheet C-5.

5. Because the proposal calls for internal street parking within turnouts adjoining the private street, which will contain utilities, sidewalks and landscaping; the easements and maintenance plan for these shall be properly dedicated through the Conditions, Covenants and Restrictions. Additionally, these easements shall be noted on the Final Plat.

6. On-site signage indicating bicycle parking areas shall be required per Title 10, Chapter 3 with signage plans submitted and approved prior to permitting.

Chapter 6: Design Review

7. A Type II Design Review for the multi-family and attached residential units shall be applied for and associated fees paid so the design review standards may be better evaluated.

8. The applicant shall provide architectural details meeting Old Town and Mainstreet Architectural Standards or higher concurrently with the building permits for the single-family detached housing. An associated review fee shall be will be required unless determined otherwise by the Planning Director.

Chapter 7: Special Development Standards

8.a. The applicant shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property as outlined in subsection (D) of FCC 10-7-7, Review and Use of Site Investigation Report, and shall state "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned

herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgement or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project." This shall be recorded prior to submittal of any building permit applications or prior to final Subdivision Plat.

Chapter 10: Residential Districts

9. The applicant shall submit a draft statement that outlines the maintenance easements to the Planning Department with the Final PUD and Final Subdivision plat applications. This agreement may be incorporated within the draft Conditions, Covenants, and Declarations document, which will also be required, per Chapter 23, Section 10-23-6 of this Title.

10. All single-family attached units will have rear-loaded garages accessible from private alleyways. The porch areas shall be labeled and dimensioned within the Final PUD application.

Chapter 23: Planned Unit Developments

11. The applicant shall enter into a development agreement with the City for the construction of a southbound left-hand turn lane at the intersection of 35th Street and Rhododendron Drive and its intersection reconstruction. Improvements would be funded in a combination of proportional SDC funding and/or credits with City participation and developer contribution. *(As modified by Planning Commission on 9/8/2020 and as discussed under 10-23-4 in Exhibit A).*

12. The applicant shall apply for a Phase 1 Site Investigation which will explain the treatment of the Yaquina Soils, prior to the Final PUD approval. A Phase 2 with Conditional Use permit may be required prior to Final PUD if warranted from the Phase 1 Site Investigation outcomes.

13. The applicant shall be required to obtain a Construction Permit in Right-of-Way prior to their construction of their access to and improvements for Rhododendron Drive.

13.a. Since greater than 25% of the open space area is to be designated for recreational use (because of the exceptions/modifications requests), upon submittal of the Final PUD application, the applicant shall demonstrate that additional recreational uses, both passive and active, be provided throughout the open spaces.

Chapter 36: Public Utilities:

14. Lot 22 shall be platted with street (Lane) frontage or reclassified as a Tract with no dwelling.

14a. Sheet C-4 of Exhibit H depicts ROW cross sections. What shows as an alleyway cross section should be labeled as a Lane. Additionally, this same cross section is labeled "Tract" at the top of the illustration and should be labeled as "Proposed Right-of-Way."

15. The applicant shall construct the cross-section standard for Rhododendron Dr. or as modified by the Public Works Director or enter into a non-remonstrance agreement for proportionate contribution to near future improvements to Rhododendron Dr. in conformance with the TSP.

16. With final plat applications the materials shall provide notation or easement illustrating access ownership and conveyance

17. Prior to submittal of construction plans for review and approval by the Public Works Director, the applicant shall coordinate with the City on street cross-section proposals.

18. Final plat materials shall indicate the corner curb return radii meeting city code standards, unless modified by the Public Works Director.

19. *(Removed by Planning Commission unanimous vote on 9/8/2020 due to conflict with Condition 34)*

20. Verification of existing and proposed water service mains and hydrant flow supporting the site will be required to be submitted for review and approval by the Building Official and Fire Marshall.

20a. All streets, lanes or tracts shall allocate no parking areas, per State requirements, around all fire hydrants located within the development.

21. Because the proposed project exceeds one acre, the applicant shall apply and receive required State permitting prior to site disturbance.

22. Prior to construction of streets or utilities, an engineered construction plan shall be submitted for review and approval by the Public Works Director.

Chapter 37: Lighting

23. A revised photometric plan shall be provided for review and approval in conjunction with applications for the Final PUD or with an associated design review or building permit in the case of the Single Family Detached dwellings.

24. The revised lighting plan shall provide no greater than 5 foot-candles over parking spaces and walkways and no greater than 7-foot candles directly under light fixtures.

25. Light mounting heights shall be no greater than 20'.

Chapter 34: Landscaping

26. A final Landscape Plan associated with the rights-of-way (plantings such as street trees), the on-site swale proposed along Rhododendron Drive, and the swale proposed within the Rhododendron Dr. right-of-way need to be provided with Public Improvement Plans for review and approval by Public Works prior to site disturbance and prior to Final PUD or Final Plat approvals. Plans shall include the street tree planting location, size, species, root guard, irrigation, and evidence of planting within a 4' by 4' tree well. Landscape plans shall also be provided for review and approval in conjunction with each associated design review for the Type II single family attached and apartment developments. Final Stormwater planting and construction details shall be submitted for review and approval prior to application for building permits for the single family attached and detached proposals.

27. An Irrigation Plan shall be supplied with the Final PUD application or in conjunction an associated landscape plan submittal.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure and Misc.

28. In addition to providing a name for the Final Plat, a name for the proposed internal drive shall be provided to the Planning Department who will ensure that the name is not a duplicate and in keeping with named area streets per Title 10, Section 8-2-1-1.

29. The application packet does not include an affidavit of services. An affidavit of services shall be provided in accordance to this criterion.

30. Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade.

31. There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside of the property.

33. Several Lots labeled on Sheets C 2.2 through C 2.4 contain setbacks that are mislabeled. These include Lots 22, 54, 55, 62 63, 70, 71, 78, and 79, respectively. They are labeled as having 10' rear setbacks when they should be labeled "10' Side Setbacks. This applies to the east side of Lot 54, and not the south side as that side is labeled correctly.

34. The single-family detached water meters shall be located along the loop road and be public. Water lines running to the homes from those meters shall be private.

35. Applicant shall provide a revised open space/recreation space plan addressing 10-23-5-E-4-e. and ensure they are useable for open spaces.

36. Applicant shall submit a vegetation planting plan with native plantings along Rhododendron Dr. for a width of ten (10) feet on the applicant's property. Such plan shall be provided in conjunction to or with the Final PUD and/or Final Plat application.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 8th day of September, 2020.

9/8/2020

John Murphey, Chairperson — Date
Florence Planning Commission

Attachment 5
8/25/2020 PC Minutes

This document is supplemented by agenda packet materials and electronic audio recording of the meeting. These supplemental materials may be reviewed upon request to the City Recorder.

City of Florence
Planning Commission Meeting
250 Hwy 101, Florence, OR 97439
August 25, 2020

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Chairperson John Murphey called the meeting to order at 5:30 PM.

Commissioners Present: (via teleconference) Chairperson John Murphey, Vice Chairperson Phil Tarvin, Commissioner Sandra Young, Commissioner Eric Hauptman, Commissioner Ron Miller, Commissioner Andrew Miller, Commissioner Brian Jagoe.

Staff Present: (at Florence City Hall) Planning Director Wendy FarleyCampbell, Senior Planner Roxanne Johnston, Assistant Planner Dylan Huber-Heidorn, Administrative Assistant Vevie McPherren, and Administrative Assistant Aleia Bailey. (via teleconference) Mike Miller, Public Works Director, Hailey Sheldon, Planner.

1. APPROVAL OF THE AGENDA

Start Time: 5:32 PM
Action: APPROVED
Motion: Comm. Hauptman
Second: Comm. R. Miller
Vote: Unanimous 7-0

2. APPROVAL OF THE MINUTES OF AUGUST 11, 2020

Start Time: 5:33 pm
Action: APPROVED
Motion: Comm. R. Miller
Second: Comm. Jagoe
Vote: Unanimous 7-0

3. PUBLIC COMMENTS No Public Comments

4. <u>RESOLUTION PC 20 07 PUD 01 –Preliminary Planned Unit Development (PUD), & RESOLUTION PC 20 08 SUB 01 – Tentative Subdivision (SUB) Plat</u> Applications from Mercedes Serra, 3J Consulting, on behalf of APIC Florence Holdings, LLC, seeking approvals for a proposed PUD which include 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units. Amenities include a pavilion, picnic areas, seating, a children's play area, walking trails, dog park, and pocket gardens, private internal drive and alleyways. The properties are comprised of approx. 9.28 ac. and shown on Assessor's Map 18121533 Tax Lot 0700; Map 18121534, Lots 3800, 3900, 4000, 4100 & 4200; & Map 18122221, Lot 1900, located at the NE intersection of Rhododendron Dr. and 35th St., zoned

Mobile/Manufactured Home Residential District (RMH) & regulated by Florence City Code Title 10, Chapter 10.

Open:	5:42 PM
Closed:	8:09 PM
Applicant:	Mercedes Serra, 3J Consulting, on behalf of APIC Florence Holdings, LLC
Action:	Senior Planner Johnston presented the staff report that included consideration of applicant's requested changes to conditions of approval (specifically, Condition 11) and the removal of Exhibit L in the draft Resolution. Johnston outlined key concerns submitted as testimony by area residents. These included traffic safety, stormwater (how it related to and affects the larger area), density, quality of life, tsunami evacuation routes, greenbelt conservation, increased crime, and the need for additional open and recreational space. She also discussed ten exceptions from Titles 10 and 11 that the applicant was requesting. These included reductions in lot sizes, setbacks and lot coverage; increased density, off-site parking for the multi-family units, reduced internal street and lane widths, and the request to use a cross section design plan for Rhododendron Drive, the latter of which was not a design recommended by staff. Mike Miller, PW Director explained maintenance issues that could result if right-of-way conditions were modified for the alleys/lanes. James R, Hanks, PE, recommended a follow-up traffic count study and stated that the applicant's traffic study did not include a turn lane as he had recommended. Mr. Hanks believed that there was enough right-of-way for a left turn lane. Comm. Jagoe questioned if and how an HOA would be implemented. Johnston stated that Conditions were included that addressed the requirement for CC&Rs. Commissioner Jagoe was concerned that the applicant's purposed multi-use path within the Rhododendron Dr. right-of-way may not aesthetically match the city's existing path located southward. Although the style of the multi-use path would be different than the existing path, explained Public Works Director Mike Miller, he further stated that the path would be seamless with the path southwards, if not of the same materials. Commissioner Young had concerns related to the stormwater and had not seen a retention or detention pond in the applicant's report. PW Director Miller addressed her questions and explained that the proposed infiltration rates would need to be addressed in an updated stormwater management plan. Commissioner R. Miller was concerned that additional stormwater would flow into Bud's Ravine. PW Director Miller stated having a coastal geomorphologist and qualified hydrogeologist revise the plan that the review of the stormwater plans would be closely examined to prevent this. During the applicant's testimony, the applicant Mercedes Serra outlined the need for workforce housing and an overview of the proposal. Serra discussed that the plat was not proposed in two phases; rather the construction was proposed

as such. She requested an extension of final approval of the PUD to 7 years, in part because of Covid-19. Commissioner A. Miller questioned this timeframe. Commissioner Young was concerned about the timing of the installation of infrastructure and the stormwater. The phasing was written into Condition 11 and Serra stated that she understood the conditions of approval and had read the staff report.

Public Testimony was then heard. The first testimony was provided by Debra Fisher. Fisher stated that no one during the meeting had mentioned keeping Rhododendron Drive a scenic corridor. She felt that the proposed landscaping would be an eyesore. She stated Title 4, 4-6-1 and wondered why this wasn't addressed. The second comment she had was about traffic impacts on Rhododendron Drive. Steve Williams provided the second public testimony. He stated that he represented about 15 people in SeaWatch Estates. He questioned the applicant's statement about workforce housing and asked if the applicant was willing to admit that there would be a condition in the CC&Rs that would address short term rentals. He also stated his concern with Coast Guard Road and emergencies as it related to traffic. Planner Huber-Heidorn addressed an earlier written testimonial to correct a statement made earlier about him by Mr. Williams and wanted the correction on record.

Serra stated that the vegetation would be removed along Rhododendron for the multi-use path and stormwater system. She stated she was not aware of anything in the City codes regulating short-term rentals. The applicant, having requested that Condition 11 be removed, was provided a modification of Condition 11 by Farley-Campbell. Condition 11 was relevant to the applicant's Transportation Impact Assessment (TIA) and an updated TIA. During a discussion of Condition 11, Chairperson Murphy stated that the applicant needed to revise the TIA and to ensure that this was completed and brought back to the September 8th Planning Commission meeting with methods approved by James Hanks, P.E., the City's peer transportation consultant. Although Chairperson Murphy requested a new drainage plan by the same date, a discussion among the Commission, staff and the applicant revealed that more time would be needed to revise/update the stormwater plan and for FarleyCampbell to give legal counsel time to address questions regarding limiting short-term rentals within the development. Farley-Campbell recommended that a revised drainage plan that would include retention/detention instead of infiltration systems would be submitted either with submission of a Phase 1 Site Investigation (which could lead to a Phase II Site Investigation Report) or with the Final PUD approval. Chairperson Murphy stated that the applicant would be required to submit a stormwater plan that would be acceptable to City staff. Chairperson Murphy discussed staff's recommendation of Option 5, which was to leave record open for 7 days and continue to a date certain of

September 8th. After discussing a timeframe to leave the record open, Chairperson Murphey stated: "I alter my motion to close the public hearing and leave the record open till September 4th and continue our deliberations to a date certain of September 8" Comm. R. Miller seconded the motion and a vote taken. Chairperson Murphy concluded by saying: "Motion carries and I close the hearing at 8:09."

Vote: Unanimous 7-0

(Planning Commission took a recess at 8:09 PM and resumed the meeting at approximately 8:15 PM)

5. PC 20 09 EAP 01 – Extension of Cannery Station, Lot 2, Cottage #1 Design Review
PC 20 10 EAP 02 – Extension of Cannery Station, Lot 2, Cottage #2 Design Review

Daniel Klute, AIA, GMA Architects, on behalf of Charles McClade, MD, Cannery Station Development LLC submitted two, one-year extension applications on design reviews for the transitional cottages, PC 18 40 DR 08 & PC 18 41 DR 09 related to the Assisted Living Facility which were approved by the Planning Commission in April 2019. The proposed transitional cottages are located in the southeastern quadrant of Lot 2 of Cannery Station Development. Property is located south of Munsel Lake Rd., north of the Baptist Church, east of Fred Meyers and Highway 101 and west of Florentine Estates, Assessor's Map 18-12-14-20, Tax Lot 00700 in the North Commercial District regulated by Florence City Code Title 10, Chapter 30

Open: 8:17 PM
Closed: 8:32 PM
Applicant: Daniel Klute AIA, GMA Architects, on behalf of Charles McClade, MD.
Action: Assistant Planner Huber-Heidorn presented the staff report. Report included information on the design review expiring on April 9th, 2020, and on May 5, 2020 the applicant waived the 120-day decision deadline for these applications. The applicant requested a one-year extension for each set of cottages and anticipates the completion of the foundation by April 23, 2021. The one-year extension would expire April 9, 2021. Staff recommended approval of the application with the conditions of approval as proposed. The commission voted unanimously to approve the extensions.
Motion: Comm. Jagoe
Second: Comm. Hauptman
Vote: Unanimous 7-0

6. RESOLUTION PC 20 15 CUP 04 – 470 Hwy 101 Recreational Marijuana

An application continued from July 28, 2020, from Rosa Cazares for a Conditional Use Permit for a marijuana retail use in the existing building at 470 Hwy 101, at Tax Map 18-12-27-44, Tax Lot 11800 in the Mainstreet District regulated by Florence City Code Title 10, Chapter 27

Open: 8:35 PM
Closed: 8:50 PM
Applicant: David Peterson, on behalf of Rosa Cazares
Action: Planner Sheldon presented the staff report. Staff recommended approval of the conditional use permit, subject to conditions. Condition 13 was removed. Comm. Jagoe is concerned that the

approval of the conditional use permit could cause issues with traffic. Comm. R. Miller motioned to approve the application as it meets the requirements of City Code, subject to conditions and with the removal of condition 13. Comm. Hauptman seconded the motion and the Commission took a vote to approval the application.

Motion: Comm. Ron Miller
Second: Comm. Hauptman
Vote: 6-1 Dissenting vote was Comm. Brian Jagoe

REPORT ITEMS

7. PLANNING COMMISSION REPORT & DISCUSSION ITEMS

Start Time:
Discussion:

PD FarleyCampbell announced the retirement of Admin Asst. Vevie McPherren. She shared McPherren's positive impact on the city, programs initiated by McPherren, and committees she represented the city on. FarleyCampbell then introduced Aleia Bailey who will be temporarily filling in the Planning Department's Admin Asst. position. Bailey most recently served as Admin Asst. for the Florence Events Center.

Meeting adjourned at 9:02 PM.

John Murphey, Chairperson

ATTEST:

Aleia Bailey, Admin. Assistant

Attachment 6
9/8/2020 PC Minutes

This document is supplemented by agenda packet materials and electronic audio recording of the meeting. These supplemental materials may be reviewed upon request to the City Recorder.

City of Florence
Planning Commission Meeting
250 Hwy 101, Florence, OR
97439 September 8, 2020

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Chairperson John Murphey called the meeting to order at 5:30 PM.

Commissioners Present: (via teleconference) Chairperson John Murphey, Vice Chairperson Phil Tarvin, Commissioner Sandra Young, Commissioner Eric Hauptman, Commissioner Ron Miller, Commissioner Andrew Miller, Commissioner Brian Jagoe.

Staff Present: (at Florence City Hall) Planning Director Wendy FarleyCampbell, Senior Planner Roxanne Johnston, Assistant Planner Dylan Huber-Heidorn, and Administrative Assistant Aleia Bailey, Public Works Director Mike Miller.

1. APPROVAL OF THE AGENDA

Start Time: 5:31
Action: Approved
Motion: Commission Young
Second: Commission Jagoe
Vote:7-0

2. APPROVAL OF THE MINUTES OF AUGUST 25, 2020

Start Time: 5:32 PM
Action: Approved
Motion: Comm. R Miller
Second: Comm. Young
Vote: 7-0

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA No Public Comments

No Speaker Cards had been submitted to Staff prior to the meeting. Additionally, no conflicts of interest nor ex-parte contacts were declared. The same held for bias and potential bias. No Speakers Cards were submitted to challenge the Planning Commission's ex-parte communication.

4. <u>RESOLUTION PC 20 07 PUD 01 –Preliminary Planned Unit Development (PUD), & RESOLUTION PC 20 08 SUB 01 – Tentative Subdivision (SUB) Plat, Cont.</u> PC deliberation carried over from August 25, 2020 Meeting (that Hearing had been closed). Applications from Mercedes Serra, 3J Consulting, on behalf of APIC Florence Holdings, LLC, seeking approvals for a proposed PUD which include 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units. Amenities include a pavilion, picnic areas, seating, a children's play area, walking trails, dog park, and pocket gardens, private internal drive and alleyways. The properties are comprised of approx. 9.28 ac. and shown on Assessor's Map 18121533 Tax Lot 0700; Map 18121534, Lots 3800, 3900, 4000, 4100 & 4200; & Map 18122221, Lot 1900, located at the NE intersection

of Rhododendron Dr. and 35th St., zoned Mobile/Manufactured Home Residential District (RMH) & regulated by Florence City Code Title 10, Chapter 10.

Senior Planner Johnston provided a summarization of events of the previous meeting of August 25, 2020. Additional testimony, as approved by the Planning Commission on the same date, was received through September 4, 2020 and the August 25, 2020 meeting closed after leaving the written record open until September 4, 2020. She explained that the Planning Commission had instructed staff to meet with the City's legal team on short-term rentals and for staff, the applicant and Jim Hanks, P.E. to meet to discuss Condition 11 related to traffic and Conditions 30 and 31 related to storm water. She stated that all had met on September 26, 2020 with a focus on traffic. Staff was advised by legal staff that there were no city land use codes related to short term rentals and thus nothing applicable to the proposal. She stated that the applicant submitted new traffic counts. Johnston summarized concerns listed in new testimony submitted between August 25 and up to September 4, 2020. These included: traffic safety, density, tsunami evacuation, loss of native vegetation and stormwater. She also shared a list of questions from an email that had been submitted to staff by a Commissioner. These concerns included questions read by Johnston, and paraphrased here as: "Does the City use AASHTO standards generally, so that we might be justified in taking Jim Hank's recommendation for a left turn on 35th? ... What is the City's planned width of the multi-use path on Rhody?" Johnston stated that the answer was ten feet. Another question asked in the email regarded looping the water service. Also asked," Is there some special reason why Mr. Miller is doing so? Looping would provide more open space and a buffer between the newer denser development, and the older Siuslaw Village. Wouldn't we be setting a precedent for not looping water service…How can we approve the whole application in one action when we have no idea what the stormwater plans will be?... If detention facilities are needed, some or all are likely to be downstream where the apartments are now proposed… The Commission is thinking of suggesting that the rainwater gardens be removed to another area so that the recreation area/open space be entirely useable by the residents." Johnston further explained that new testimony would not be entered into the current meeting.

The Commissioners were asked by Chair Murphey if they had questions to ask Johnston. There were no questions, and she recommended Pubic Works Dir. Miller to speak.

PW Dir. Miller commented on street design standards, and that the City typically uses AASHTO as recognized safety and conformance and compliance use standards including the width and the configuration within the right of way that had been established and how streets should be laid out. Miller informed the Commission that a future ten-foot wide multi-use path from Wildwinds north of 35th and eventually out to Heceta Beach Road was planned (as expressed and permitted in city code). He explained the conflict in the Transportation (Systems) Plan that stated that the path should be 12 feet wide, but that stormwater takes up a chunk of real estate. With regards to looping, Miller explained that that space requirements for utility easements were not feasible in light of the project plans. Excavation and access as well as disposing of backfill gravel and spoils would need consideration and that twenty feet and how the development was proposed made installing the 20-foot easement a tight fit and placing the way the plan was at the time (not looping in this case) made more sense. Comm. Tarvin asked if there was room for a path in both sides of Rhody. PW Dir. Miller explained that only one plan represented a typical cross section, and that the path should be on the east side. With regard to the proposal for the applicant to carry water to the individual single-residential detached homes, PW Dir. Miller stated that water looping would be recommended to eliminate dead end pipes, and that a 20-foot easement, to the east, in relation to other buildings, would be the minimum for maintenance.

Comm. Tarvin asked PW Dir. Miller if a single ten-foot wide path would still allow for a left-hand turn lane on Rhododendron to 35th Street. PW Dir. Miller explained that the planned path was proposed as a ten-foot path and that it be only on the east side, given the amount of right of way and the utilities in the area. Comm. Tarvin asked if 34' was needed for a shoulder and Miller stated that it would require forty feet. Also, that the right-of-way is currently sixty feet in width. Chairperson Murphey asked Johnston if she had anything more to add. Johnston stated that the Applicant continued to ask for the removal of Condition 11. Chairperson Murphey said that this item would be saved for the deliberations.

Chair Murphey outlined the submission process for the final written argument and that the applicant had the right to waive the final written argument. Applicant representative Serra wished to waive the final written argument. Chairperson Murphey opened deliberation at 5:55 PM.

Chairperson Murphey asked each Commissioner if they had comments during the deliberations. Comm. Hauptman stated he still had questions regarding size and location of the project. Comm. A. Miller was concerned about overall traffic and character of the neighborhood. Comm. Jagoe pointed out Sheets T2 and T5 related to the Sandpines development (Exhibit R) showing 35th St. as having two turn lanes from North and South and then from one turn lane on 35th. Comm. Hauptman additionally stated that while we needed the housing, the roads may not handle the congestion. FarleyCampbell explained that that exhibit excerpt was from 2007 and wondered if anyone had any knowledge of it. Comm. Jagoe read a portion of the exhibit. FarleyCampbell explained that the exhibit excerpts were shared on Friday prior to the meeting as they had just been provided, and were related to Fairway Estates and what has been approved was Phase 1, out of three phases. Staff was not familiar with what methods were used to determine the need for left hand turn lanes.

Comm. Tarvin questioned the 'variances' the applicant had been requesting for and quoted FCC 10-23-5-8. He stated 10-5-4 as well and that they overlaid well together and that the applicant fulfilled requirements to submit the application. He questioned if variances were granted using 10-5. Johnston stated that the original Findings of Facts, with regard to modifications, cross referenced 10-5 and 10-23. Comm. Tarvin wanted verification of what the approval criteria was. FarelyCampbell requested Johnston to look at the 10-23-5-H in the Findings. FarleyCampbell read into the record the entire code for 10-23-5-H:

> *"The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:*
>
> 1. *High quality building design using Old Town and Mainstreet Architectural Standards or higher standards*
> 2. *Incorporation of unique land forms into the final PUD design*
> 3. *More recreation space than the minimum required*
> 4. *On-site amenities reflecting the value of both active and passive recreational facilities*
> 5. *Natural resource protection, where identified as part of a preliminary site investigation report*
> 6. *A mix of dwelling unit types and densities*
> 7. *A mix of residential, commercial, and recreational uses, where zoning permits"*

FarleyCampbell further stated that not all standards applied to the proposal and explained what each point meant with reference to modifications requested and if they applied. She clarified that 10-5 did not apply because the requests were not for variances, but were instead, modifications. She further stated that it was up to the Planning Commission to determine whether the criteria were met by the applicant for the modifications. Johnston stated that page 35 of the Findings of Fact from the August 25th meeting and that the modification justification could be found there. Comm. Young reiterated that former approvals should be considered for consistency and that she was the Commissioner who had the questions earlier read by Johnston.

Comm. Young said that the Commission had to determine if they were going to go by the AASHTO standards. She said the multiuse path width question was answered at ten feet wide. Johnston displayed the open space slide (Slide 11) and the slide showing the raingardens (Slide 17). Huber-Heidorn placed the slides side by side on the screen. Comm. Young talked about criteria for intention of open space. She suggested that there was not enough open space for the density; at a minimum 250 people. She believed the raingardens could not be used as open space and that they should be elsewhere. She further recalled the last meeting where PW Dir. Miller stated that the looped system was not needed here and that not looping required more maintenance and staff time. She believed that a twenty-foot buffer along the east side would be needed. She was also concerned about the stormwater and was not sure that the stormwater plan and that the Commission would not see a stormwater plan that would do what it needed to do, retaining water after adding roofs. Comm. Jagoe felt there would be a

loss of 8 single family homes. Comm. Tarvin supported the turning lane and concurred with the stormwater. Comm. R Miller stated he was concerned about the stormwater and believed the looping of water was a good idea.

Chair Murphey suggested each Commissioner provide a concern and asked FarleyCampbell for input on how to proceed. FarleyCampbell recommended input by the Commission on nailing down conditions and that staff needed a recess in order to compose them. At that time, all Commissioners wanted the water lines looped and a southbound left-hand turn lane. Comm. Tarvin stated at a minimum, he wanted to see a two-way left hand turn southbound to turn left onto 35th St off of Rhododendron. Comm. Jagoe felt that Exhibit R should be used as a guide.

Comm. Young stated she continued to feel the rain gardens needed to go elsewhere. A discussion ensued on the matter of open space and moving the rain garden. All agreed that open space was needed to provide for the density. Native vegetation between Rhododendron was another topic brought up by Comm Young. All Commissioners wanted a buffer installed to help keep the character of the existing vegetation present along Rhododendron Dr. There was concern raised that having the twenty-foot buffer to the east and the ten-foot wide on the east side of Rhododendron might be too much. It was agreed that one multi-use path would be used.

Comm. Murphey raised the question of how to handle Condition 11, which the applicant requested to be removed and asked for a recess so staff could modify or compose conditions. The Commission went into recess at 6:36p.m. and reconvened at 6:55p.m.

Johnston related that Condition 11 was remodified as "Applicant shall modify their public improvement plan with the effect to add a southbound left turn lane at the intersection of Rhododendron Drive and 35th St. Such plans shall be submitted to Public Works for review and approval prior to construction." The question staff had was the timing of the construction. FarleyCampbell added that what would also be added to the condition is that the left-hand turn lane would not be triggered until the trip count got to the point of which the left-hand turn lane would be required after consulting peer review and AASHTO standards. A matter of when that would happen was relayed and had to do with where the applicant was with the development phases. Chairperson Murphey asked the Commission if they had questions regarding this item. Comm. Jagoe wanted to see the road improvements installed before permitting or a set date of the project. Comm. Young asked if staff would be able to use strong findings based on the new conditions based on LUBA. Johnston stated other conditions had defendable code, but that staff had no code for Condition 11, and Comm. Young said AASHTO standards could be used. FarleyCampbell remarked that we would use the traffic impact analysis and that there are code criteria and that findings could be written as such. Johnston went on to read Condition 34, with assistant from Comm. Young and Comm. Tarvin: "Modify the waterlines to loop the waterlines adjacent to Siuslaw Village leaving twenty-foot within an access easement and the code for that is '10-23-4-D." There was a discussion about which subdivision was along the east and if the condition could be stated without referencing a subdivision. Johnston read Condition 35. "Applicant shall provide a revised open space/recreation space plan addressing 10-23-5-E-4e." It was discussed if the condition was detailed enough and that useable recreation area could not be used in a storm drain area less than the 100-year flood event. Johnston read Condition 36, "Applicant shall provide a vegetation preservation plan along Rhododendron Drive which maintained shall be ten feet. Title 10-23-4-B and 10-23-4-E." Chair. Murphey asked for consensus. Comm. Jagoe stated that the applicant was not supposed to be required to do the ten-foot on both sides as the applicant were already going to be required to place a twenty-foot buffer for the waterline looping discussed earlier. Comm. Young stated that ten feet would be the minimum for vegetation to live and any narrower than ten feet. FarleyCampbell wanted PW Dir. Miller to reiterate a concern on the maintenance and service issue on the looping and asked if another either/or option be suggested whereby the lines become private if the meters could be set at the loop lane. The lines would be maintained privately. Each meter run would be long. Another idea proposed by DW Dir. Miller was a master meter, but would create problems with ownership and finished up saying that there were options. After much discussion on the details of looping and not looping, the consensus was not to loop the individual lines as the loop on the public side (Loop Rd.) would be adequate. Comm. Tarvin did not agree with the individual lines. Comm. Young state that she disagreed also because the twenty-foot buffer would be lost. Comm. R. Miller asked for clarification about the twenty-foot easement. He was concerned the blacktop would need to be broken up if the lines broke. P.W. Mike said as proposed, the spurs were in the streets. Comm. R. Miller agreed. After discussion referencing a slide showing the development, Condition 34 was then modified to read by Johnston as, "The single-family detached water meters shall be located along the loop road and be public. Water lines running to the homes from those meters shall be private." PW Dir. Miller clarified for Comm. Jagoe that the water lines be placed in the common area and not the pavement as cost for repairs

was raised. Staff was asked by Chair Murphey what the staff recommendations were. Johnston stated that Staff recommends approval upon meeting the conditions as modified. Comm. Jagoe motioned to approve the Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 as modified by staff during the meeting. Comm. R. Miller seconded. Chair Murphey then gave the opportunity for the applicant to respond. Representative for the applicant, Mercedes Serra did not agree with Condition 11 as written and stated the applicant wanted the improvement in Rhododendron be 100 percent funded by SDC credits in the agreement with the City. Condition 34 was accepted as written, as to Condition 35, Serra wanted to a point out for clarification that all stormwater facilities located in the open space were soakage trenches and located underground and that all recreational activities continue above ground. As to Condition 36, Serra remarked generally that the required grading for placement of buildings would be prevent vegetation retention. Future plantings would include native shrubbery, situated organically along Rhododendron and the site perimeter to provide robust natural screening.

Chair. Murphey asked FarleyCampbell her input on the applicant's request for condition modifications. FarleyCampbell reiterated what the applicant wanted; that with Condition 11, the applicant wanted 100% SDC credits. She restated that the applicant was in agreement with Condition 34, but not 35, but now understood about the soakage trenches and agreed with the applicant. Regarding Condition 36, Serra was asked to repeat what was said to that condition. Serra repeated her statement and FarleyCampbell concurred by saying that the swath was not large enough to preserve vegetation as experienced by Oak Commons and recommended that the Commission decide on a width for the plantings. With regards to Condition 11, FarleyCampbell stated that the AASHTO standards would hold now that these standards are now in the record. Certain conditions would need to be met before the project was 100 percent SDC creditable and SDCs could be used for extra capacity, and the intersection would need to be realigned, which would not be SDC eligible.

Chair Murphey asked FarleyCampbell to work on Condition 11. With Condition 35, a discussion was held regarding whether all were in agreement with the stormwater detention being underground with the use of open space atop as long as the design allowed use aboveground. Young said that the stormwater plan would need redesigning anyway and that she would be fine if the soakage trenches were underground and the open space was useable. The Commission was in agreement with the soakage trenches underground. Johnston restated "Applicant shall provide a revised open space/recreation space plan addressing 10-23-5-E-4-e. and ensure they are useable for open spaces." A consensus was called and all Commissioners agreed on the reading of Condition 35. Chair Murphey called for a short break to reconvene at 7:45 p.m.

FarelyCampbell recommended modifying Condition 11 as follows: "The applicant shall enter into a development agreement with the City for the construction of a southbound left-hand turn lane at the intersection of 35th Street and Rhododendron Drive and its intersection reconstruction. Improvements would be funded in a combination of proportional SDC funding and/or credits with City participation and developer contribution." Chair Murphey asked if all Commissioners were in agreement to Condition 11. Comm. Hauptman was shown to be off-line and was absent Chair Murphey asked FarleyCampbell to continue. Johnston asked clarification if Condition 11 conflicted with Condition 34 and she proposed it be stricken. After some discussion and clarification. FarleyCampbell proposed Condition 36 as: "Applicant shall submit a vegetation planting plan with native plantings along Rhododendron Dr. for a width of ten (10) feet on the applicant's property. Such plan shall be provided in conjunction to or with the Final PUD and/or Final Plat application." The Commissioners were in agreement. The earlier recommendation to approve the conditions by Jagoe was modified and presented to the Commission at 7:55 p.m. to include the new and modified conditions. This was seconded by R. Miller. That applicants were asked if they would like to respond to the newly modified conditions. Serra relied that "Regarding Conditions 34, 35 and 36, we can accept as written. For Condition 11, we ask that the following be added: "If the actual base traffic line warrants for an urban arterial are met under existing peak hour traffic conditions, then we propose 100 percent SDC creditability for all improvements associated with a left turn lane along Rhododendron Dr." Comm. Jagoe did not wish his recommendation changed. A roll call vote was completed after establishing a connection to Comm. Hauptman. During the Roll Call by Huber-Heidorn, Johnston made clarifications of the conditions that had been remodified, and the removal of Condition 19. FarleyCampbell asked Comm. Hauptman over the phoneline if his agreement with the clarifications read by Johnston was a vote "Yes." Comm. Hauptman agreed. Chair. Murphey added his final vote of 'yes'. The motion to approve conditions as modified and earlier presented to the Commission at 7:55 p.m. passed by vote of 7-0. Motion carried.

Open: 5:37 PM/ Motion made at 7:55 p.m.

Closed:	8:05 PM
Applicant:	Mercedes Serra, 3J Consulting, on behalf of APIC Florence Holdings, LLC
Action:	Approved 7-0
Motion:	Comm. Jagoe
Second:	Comm. R Miller
Vote:	7-0 Unanimous

REPORT ITEMS

5. PLANNING COMMISSION REPORT & DISCUSSION ITEMS

Start Time: 8:05 PM

Discussion: FarleyCampbell stated that the Revision Florence monuments were going up at the intersection of Highway 101 and Maple. Appeal periods for Cannery and Rec Marijuana expired today and nothing additional was received. The next (Planning Commission) meeting was scheduled for September 22, 2020 as a work session to discuss City goals and the work plan. She called on the Commission to think about planning work the City should be doing in preparation of the meeting. The next public hearing was scheduled for October 13, 2020; anticipated to be an annexation application for with Benedict Holdings, LLC, the most likely future location of Idylwood.

Meeting adjourned at 8:08PM.

John Murphey, Chairperson

ATTEST:

Aleia Bailey, Admin. Assistant

Attachment 7
FOF 8/25/2020

FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
Exhibit "A"

Public Hearing Date: August 25, 2020 **Planner:** Roxanne Johnston, CFM
Date of Report: August 18, 2020
Application: PC 20 07 PUD 01
PC 20 08 SUB 01

I. PROPOSAL DESCRIPTION

Proposal: Application approvals for a Preliminary Planned Unit Development (PUD) and a Tentative Subdivision (SUB) in order to develop an approximately 9.28 acre residential Planned Unit Development. This proposal includes 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units. Amenities to support this PUD include a pavilion, picnic areas, seating, a children's play area, walking trails, dog park, and pocket garden. Access to the development is proposed via a private internal drive with two entrances from Rhododendron Dr., alleyways providing rear access to single-family attached unit garages and lanes providing access to single-family detached units.

Applicant: Mercedes Serra with 3J Consulting, representing APIC Florence Holdings, LLC

Property Owners: APIC Florence Holdings, LLC

Location: Northeast intersection of Rhododendron Dr. and 35th St.

Site: Assessor's Map # 18-12-15-33, Tax Lot 0700; Map # 18-12-15-34, Lots 3800, 3900, 4000, 4100 & 4200; & Map # 18-12-22-21, Lot 1900

Comprehensive Plan Map Designation: Medium Density Residential

Zone Map Classification: Mobile Home/Manufactured Home Residential (RMH)

Surrounding Land Use / Zoning:

Site:	Vacant / (RMH)
North:	Single-family residences/ (RMH)
South:	Single-family residences/ (RMH)
East:	Single-family residences/ (RMH)
West:	Single-family residences/ Low Density Residential (LDR)

Streets / Classification:

West - Rhododendron Drive / Minor Arterial; South - 35th St. / Collector; East - Siano Loop / Local; North - None

II. NARRATIVE:

In order to review and address key concerns posed through testimony provided by area residents, the applicant requested that the original public hearing on July 11, 2020 be continued to August 25, 2020. Public testimony was not heard at that July meeting; however, the option for the public to submit testimony remained open until the rescheduled August 25, 2020 Planning Commission meeting.

In reviewing the many concerns included in testimony submitted to date, two central concerns appear: traffic safety and stormwater management. Others include density, loss of greenbelt, tsunami evacuation routes (as this relates to density and traffic), lighting and reduced quality of life. Testimony may be found under Exhibit L.

The Florence Golf Links proposed phased project is located on 9.28 acres comprised of multiple tax lots with Sandpines Golf situated to the north and northeast, Sea Watch Estates to the west, and Siuslaw Village to the south. The most southern tract located at the NE intersection of Rhododendron Drive and Siano Loop was platted in 1975 as Lot "A" of the Siuslaw Village subdivision. The 1976 Conditions, Covenants and Restrictions for Siuslaw Village called for the lot to be used commercially. A 1992 masterplan for the Sandpines Golf subdivision identifies a former NACO West RV campground that the plan originally intended to retain as a campground in support of the golf course community and to possibly serve as RV storage for residents of the golf club community. In 2003, a new masterplan was proposed to convert the former campground into its Phase 2 development plans. For this phase, the area was to contain a gated three-story condominium project with 186 units with a pond in the center of the complex.

Although nearly unrecognizable today due to vegetation encroachment on the former campsites, remnants of the former campground store remain in the form of a large concrete slab and underground pipes that would be removed with approval of this application. Existing conditions include a wealth of native mature trees, Rhododendrons, Salal and other typical brush found in these coastal thickets. The unimproved ground would need grading in order to accommodate the proposed development. A drainage ditch and 36" culvert lies within the property and conveys stormwater from neighboring properties to Rhododendron Drive.

The current proposal calls for 49 attached residences, located south, west and centrally, 31 detached residences located along the east side of the project, and two multi-family complexes, located on the NW and SW of the project, each containing respectively 23 units with an overall total of 46 Multi-family units. None of the proposed structures exceed 30 feet in height.

Because these applications are related to a residential PUD, the applicant is asking for several exceptions (modifications) not permitted outright in the underlying district (RMH), but may be allowed with Planning Commission approval, through the Planned Unit Development process. These include: 1) increased lot coverages, 2) reduced setbacks, 3) reduced parking pads, 4) reduced lot sizes, 5) increased density, 6) reduced internal lane widths, 7) reduced street widths than normally allowed by code, 8) lots served by private lanes instead of streets, and, 9) an exception from the required on-site parking spaces for 8 units; meaning that these 8 spaces would be off-site within parking along the private loop road.

Title 10, Chapter 23 lays out the requirements for applicant/developer of a PUD for modification requests. Although the codes for these are listed in the body of these FOF, a summary of how the applicants have met or will be conditioned to meet them are here. The applicant has been required to submit a Design Review application for the multi-family and attached housing units

and they will need to demonstrate that the proposed standards exceed those of Old Town and Mainstreet Architectural Standards through design, materials, and colors.

Chapter 23 also calls for the incorporation of unique land forms into the final PUD design. In this case, there are no unique land forms (vegetation does not fit under this definition); however, the applicant proposes placing the Multi-family westward nearer Rhododendron instead of eastward against several Sandpines neighbors. A 6' cedar perimeter fence has been proposed with this application.

This same chapter also calls for the provision of more than the minimum recreational space. This item has been conditioned as the plans do not specifically dimension open space/recreation spaces. Also conditioned is the requirement for additional recreational opportunities (including passive) since the provision of required sidewalks do not count towards the recreational opportunity. The applicant has provided one playground. Many other opportunities could be furnished such as an area for horseshoes, workout stations along the sidewalks, a badminton court and similar activities listed in the chapter.

Chapter 23 calls for more items, but they have been demonstrated by the applicant to meet the requirements.

Sheet A-5, labeled "Master Plan Overall" in Exhibit D, A-5 provides a color-coded visual of the housing types and their respective locations.

The project is proposed to develop in two phases; with an estimated start date of October 1, 2020 and completion date of February 1, 2022 for Phase 1A, and for Phase 1B to start February 1, 2022 and end December 1, 2022. The total density upon completion is projected to be 13.6 units per acre.

III. NOTICES & REFERRALS:

Re-noticing: On August 5, 2020, signage was posted on the subject property and notice was mailed to surrounding property owners within 300 feet of the property. The public hearing notice was published in the August 19, 2020 edition of the Siuslaw News.

Prior Notice: On June 23, 2020 notice was mailed to surrounding property owners within 300 feet of the property. Signage was also posted on the property on June 23, 2020, and the public hearing notice published in the July 8, 2020 edition of the Siuslaw News.

At the time of this report, the City received written testimony that has been summarized and added collectively to the Exhibits.

Referrals: On June 14, 2020, referrals were sent to required recipients.

At the time of this report, the City received comments from the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI) in support the of this proposal, yet understand that the area may contain cultural resources. Therefore, they request immediate contact upon discovery of known or suspected cultural resources and "given at least 72 hours' notice prior to any ground disturbance activities, to ensure that a staff person or designated Tribal member of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians may be present during ground disturbing activities.,"(Exhibit I).

Century Link advised staff that there were buried cables running through the site. Moving the lines would be the expense of the developer. Also, he states locates should be taken at each CTL pedestal along Rhododendron Dr. (Exhibit M)

Hydrogeologists from Water Solutions, Inc., recommend that the City require the developer to design the storm water infiltration system so that there is no net increase of infiltration post-development, (Exhibit P). Their methodology is discussed under Title 9, Utilities, Chapter 5.

Siuslaw Valley Fire and Rescue submitted a letter discussing fire hydrant placement and related codes (separation requirements, and no parking areas around hydrants, for example), the placement of exterior key boxes to access sprinkler riser rooms, and sprinklers (for the single-family detached units) in lieu of fire apparatus access, (Exhibit N).

Staff submitted a Wetland Land Use Notification Review request to the Oregon Department of State Lands. The reply back from DSL was a recommendation for a qualified wetland consultant to provide a Wetland Delineation study, (Exhibit Q.1). The applicant provided this study to the City, (Exhibit Q) and Pacific Habitat Services concluded that no wetlands were present on the subject properties. Submittal and concurrence to DSL is still required.

James R. Hanks, PE performed a peer review of the Traffic Impact Analysis and his comments are included in this report. Additional comments will be provided in advance of the hearing.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code:

Title 10: Zoning Regulations, Chapters

1: Zoning Administration, Sections 1-4, 1-5; 1-6-3; 1-7
2: General Zoning Provisions, Section 2-3, Sections 2- 8 and 2-13
3: Off-Street Parking and Loading, Sections 3 through 11
6: Design Review. Section 6-6
7: Sections 1, 2, 3H, 6 and 7
10: Residential Districts. Sections 1, 2, 3, Table 10-10-3-A, 4, 5, 7, & 9
23: Planned Unit Development, Sections 1 through 10 and Section 15
34: Landscaping, Sections 2 through 5
35: Access and Circulation, Sections 2-2 through 2-14, 3-1 through 3-4.
36: Public Facilities, Sections 2-1 through 2-5; 2-7, 2-8; 2-10 through 2-19; 2-22, 2-23; and Sections 3 through 9
37: Lighting, Sections 2 through 6

Title 9: Utilities

Chapter 5: Stormwater Management Requirements, Sections 1 through 7

Title 11: Subdivision Regulations, Chapters

1: Subdivision Administration, General Provisions, Sections 1 through 6
3: Subdivision Tentative Plan Procedure, Sections 1 through 4, and 8
5: Platting and Mapping Standards, Sections 5-1 through 5-4
7: Application for Modification

Florence Transportation System Plan

Florence Parks and Recreation Master Plan

Realization 2020 Florence Comprehensive Plan

V. FINDINGS

Code criteria are listed in **bold**, with responses 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 as described in subsections 1-4 below. Table 10-1-1 lists some of the City's land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.

[…]

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.

The proposed consolidated application for the preliminary residential PUD and tentative subdivision was submitted on a City of Florence land use form and deemed "Complete" as of May 11, 2020. The nature of the proposal requires a Type III (Quasi-Judicial) procedure with a public hearing whereby notice is provided. The notification procedures meet the requirements of FCC 10-1-1-5.

[…]

E. Traffic Impact Studies:

1. Purpose of Traffic Impact Study: The purpose of a Traffic Impact Study is to determine:

a. The capacity and safety impact a particular development will have on the City's transportation system;
b. Whether the development will meet the City's minimum transportation standards for roadway capacity and safety;
c. Mitigating measures necessary to alleviate the capacity and safety impact so that minimum transportation standards are met; and
d. To implement section 660-012-0045(2)(e) of the State Transportation Planning Rule.

2. Criteria for Warranting a Traffic Impact Study: All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment to the Comprehensive Plan, zoning map, or zoning regulations; a change in use; or a change in access, if any of the following conditions are met:

a. A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.

b. Any proposed development or land use action that may have operational or safety concerns along its facility(s), as determined by the Planning Director in written findings.

c. The addition of twenty-five (25) or more single-family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.

d. […]

e. […]

3. Traffic Study Requirements: In the event the City determines a TIS is necessary, the information contained shall be in conformance with FCC 10-35-2-5, Traffic Study Requirements.

The applicant submitted a preliminary TIS completed by Kittleson & Associates, Inc., an engineering firm located in Portland, Oregon. In response to public testimony, peer review by James Hanks, and discussion with staff, the applicant re-submitted the TIS with updates to include data from Oak Street intersections, (Exhibit G1). The TIS is discussed under code listed in Title 10, Chapter 35 of these Findings of Fact and a peer review of the revised TIS is underway. This criterion regarding submission of a TIS has been 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.)

1. The City shall take final action on housing applications meeting the criteria of ORS 197.311 within 100 days.

B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.

2. When proceedings are consolidated:

a. The notice shall identify each application to be decided.

b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.

c. When appropriate, separate findings shall be prepared for each application. Separate decisions shall be made on each application.

On August 5, 2020, notice was mailed to surrounding property owners within 300 feet of the property. Signage was already present. The public hearing notice was published in the August 19, 2020 edition of the Siuslaw News.

Original notification of the quasi-judicial land use hearing for this planned unit development consolidated application was mailed on June 24, 2020, 20 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on July 8, 2020.

The notification procedures for both public hearing dates meet the requirements of FCC 10-1-1-5.

On July 14, 2020 the applicant provided a request to reschedule the hearing and provided an extension of the 120-day processing time to October 21, 2020. These are included as Exhibit C2.

C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

1. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.

a. The required forms.

b. The required, non-refundable fee.

c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

2. Completeness.

a. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.

b. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above.

c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

d. Coordinated review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

The consolidated application was received by City staff on February 14, 2020. After checking for completeness, staff discovered the application lacked a Title Report. Due to the project size, staff provided preliminary feedback in a Notice of Incompleteness. This notice was sent on March 13, 2020. The applicant responded to the letter with revised plans and supplied a copy of the Title Report. The application was deemed "Complete" as of May 11, 2020. Referrals were sent for a coordinated review on June 14, 2020.

D. City Planning Official's Duties. The City Planning Official (Director) or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions.

2. Accept all development applications that comply with the requirements of this Chapter.

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report and findings may also provide a recommended decision of: approval, denial; or approval with specific conditions that ensure conformance with the approval criteria.

4. Prepare a notice of the proposal decision:

a. In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of decision is issued.

b. In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven (7) days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 10-1-1-6-1 (Type I), 10-1-1-6-2 (Type II), 10-1-1-6-3 (Type III), or 10-1-1-6-4 (Type IV).

The current Staff Report, Findings of Fact and Exhibits have been prepared and were available for examination and upon request on August 18, 2020. Additionally, materials related to the application were posted on the City's website. These criteria have been met.

The original public hearing date of July 14, 2020 Planning Commission meeting was postponed at the applicant request to August 25, 2020. All noticing for the July 14, 2020 Planning Commission meeting were in accordance to the above codes.

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:

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.

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.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

On August 5, 2020, notice was mailed to surrounding property owners within 300 feet of the property. Signage was already present and were restocked with the revised notice. The public notices contained the information in the above code. The public hearing notice was published in the August 19, 2020 edition of the Siuslaw News.

Original notification of the quasi-judicial land use hearing for this planned unit development consolidated application was mailed on June 24, 2020, 20 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on July 8, 2020. The notification procedures meet the requirements of FCC 10-1-1-5.

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. **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.**

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. Ay 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.

A request for a Preliminary Planned Unit Development and Tentative Subdivision Plat for a proposed development of 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units requires Planning Commission review with a public hearing and therefore represents a Type III Quasi-judicial process. Once the decision has been made by the Planning Commission, a Notice of Decision will be sent according to this Section.

10-1-1-7: APPEALS: Under this Title, any limited land use or quasi-judicial decision may be appealed in accordance with the procedure listed below. Administrative decisions may be appealed to the Planning Commission. Planning Commission decisions may be appealed to the City Council.

A. A notice of intent to appeal must be filed by an affected party, which includes persons testifying orally or in written form at the hearing held on the matter.

B. Such appeal shall be initiated within twelve (12) calendar days of the date of the mailing of the decision by filing written notice of appeal with the City of Florence Community Development Department. The person filing the notice of intent to appeal shall also certify the date that a copy of the notice was delivered or mailed by first class mail postage prepaid to all other affected parties. If an appeal is not received by the city no later than 5:00 pm of the 12th day after the notice of decision is mailed, the decision shall be final.

C. If the applicant has signed an "Agreement of Acceptance" and there is no other party who could appeal the decision, the appeal period is waived.

D. The written petition on appeal shall include:

1. **A statement of the interest of the petitioner to determine standing as an affected party.**

2. **The date of the decision of the initial action.**

3. **The specific errors, if any, made in the decision of the initial action and the grounds therefore.**

4. **The action requested of the Planning Commission or Council and the grounds therefore.**

5. A certification of the date that a copy of the written petition on appeal was delivered or mailed by first class mail postage prepaid to all affected parties.

E. The review of the initial action shall be confined to the issues raised upon appeal and be based on the record of the proceeding below, which shall include:

1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered as evidence.

2. All materials submitted by the City staff with respect to the application.

3. The minutes of the hearing (if applicable).

4. The Findings on which the decision is based.

5. The notice of intent to appeal or the requests for review and the written petitions on appeal.

6. Argument by the parties or their legal representatives.

F. The Body hearing the appeal may affirm, reverse or amend the decision and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and ordinances. The Council may also refer the matter back to the Planning Commission for additional information. When rendering its decision, the Body hearing the appeal shall make findings based on the record before it and any testimony or other evidence received by it.

G. Whenever two members of the City Council submit to the Community Development Department a written request for review within twelve (12) days of the date of the mailing of the Planning Commission decision, the Council shall review the decision of the Planning Commission. Each request for review shall identify the issues that the affected parties are to address. The Community Development Department shall deliver or mail by first class mail a copy of the requests for review to all affected parties and to the other members of the Council. Such requests for review shall be considered an appeal, with all affected parties allowed an opportunity to submit written petitions on appeal within the time specified in paragraph A of this subsection. Each person filing a written petition on appeal shall be heard by the Council. The Council shall review the record to determine whether there is sufficient evidence to support the findings, whether the finds are sufficient to support the Planning Commission decision, and where appropriate, whether the decision of the Commission is a proper interpretation of the applicable ordinances.

H. Any action or decision by the City Council arising from an appeal, except a referral back to the
Planning Commission, shall be final and conclusive.

I. The Council, by resolution shall establish a schedule of filing fees for all appeals from final decisions of the Planning Commission. Council shall use the following criteria in establishing such a fee schedule; that the fee charged bear some relation to the City's cost in processing the appeal; and that the fee or fees charged be consistent in amount with fees charged by similar municipalities or agencies. (Amd. by Ord. No. 30, Series

This section provides an appeal process.

CHAPTER 2 GENERAL ZONING PROVISIONS

10-2-3: BUILDING SETBACK REQUIREMENTS: When the Master Road Plan or Zoning Plan indicate that a right of way will be widened, the setbacks required (front, side and rear yards) shall be measured from the proposed expanded right of way.

A. Front Yard: Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yard; except that eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over three and one-half feet (3 1/2') high may be built within a front yard.

B. Side Yards:

1. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the district or zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet (2').

2. The Planning Commission may, upon the joint request of the owners of the adjoining property, permit the erection of private garages, or other buildings, except buildings housing animals, upon or immediately adjacent to the division line between the two (2) properties after an examination of the location and findings have revealed that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor the district in which such permission is granted. The foregoing provision shall be limited to the life of the structure or structures for which the permit is issued.

The City of Florence has a road widening project planned along Rhododendron Drive. It does not, however, require the widening of the existing available right of way. The applicant has taken this in to consideration during the preliminary planning phase of the PUD project and will be constructing a 10-foot wide multi-use path extending along the east side of Rhododendron Drive. The applicant is requesting a modification to the setbacks required per the underlining zoning district as Chapter 23 Planned Unit Developments (PUDs), Section 10-23-5. H allows their proposed request for relaxed setbacks without a separate variance or adjustment application, providing the proposed modifications meet criteria outline in the Section, which is cited in more detail under the code provided in these Findings of Fact.

10-2-8: GUARANTEE OF PERFORMANCE: The City may require that a cash deposit, surety bond or other such guarantee be posted to insure that full and faithful performance by the parties involved.

CHAPTER 3 OFFSTREET 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.

The applicant is proposing a mix of parking opportunities which include one and two car garages, covered and uncovered parking lots, side parking pads and off-site parking in private drive areas. All are proposed to incorporate improved surfaces with storm drainage handled internal to the project. A Table has been

created to breakdown the parking requirements versus the proposed parking and can be found in section 10-3-4 of these Findings of Facts. This criterion has been met.
[…]

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 on-going 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.

The nearest transit stop is located in excess of ¼ mile from the project. These criteria are not applicable.

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:

A. Residential and Commercial Dwelling Types:

Single Family Dwelling including attached and detached dwellings and manufactured homes	**2 spaces per dwelling unit on a single lot**
Multiple-family dwelling **Studio & one bedroom units** **Two-bedroom units** **Three-bedroom units or larger**	 **1 space per unit** **1 1/2 spaces per unit** **2 spaces per unit**

The proposed development incudes 31 detached and 49 attached single family dwellings (five of which are one-bedroom units) requiring 160 spaces. The proposed apartments will provide 24 studio/one bedroom units and 22 two-bedroom units, which require 58 parking spaces, 29 in each development since each provides its own associated parking areas on opposite sides of the PUD. A total of 218 parking spaces are required for the development.

The detached and attached homes will provide parking within single or double car garages. The applicant proposes one of the required parking spaces for each of 25 of the 31 single-family detached homes to be provided on a parking pad located to the side of the home.

Attached home plans predominately call for two car garages. Five attached units contain single car garages and would normally require two as bedroom counts only apply to triplex and greater. The attached single family dwelling portion of the development is deficient 5 spaces.

The multi-family developments each require 29 on-site spaces. The southern development provides 35 while the northern provides 26 spaces. The northern complex is deficient 3 spaces.

The overall development provides 216 spaces in the locations required by code. In these last two instances, per Title 10, Ch. 23, Section 10-25-3 C, the Planning Commission may determine if the applicant may use off-site grouped parking to count for the 8 deficient spaces. Without approval, the project is deficient eight spaces and an exception would be required to the on-site parking requirements.

In the Final PUD application, it is recommended that the number of garage spaces be provided in a table for ease of discussion.

UNIT TYPE	# REQUIRED PARKING SPACES PER CH. 3	# PROPOSED SPACES
Single-Family Attached (49) Single-Family Detached (31)	98 62	93 62
Multi-Family Surface Parking **Per Site:** 12 studio/one-bedroom 11 two-bedroom (46 total units on 2 sites)	12 (@1 per Unit) 17 (@ 1.5 per Unit) **29 per site**	Southern: 35 Northern: 26
TOTAL # OF SPACES	**218**	**216**
Required ADA Spaces	4	4
Private On-Street Parking	-	46*

**Some of these spaces are located in areas adjacent to hydrants and will not be available.*

The above table demonstrates a shortage of eight on-site parking spaces across 5 units and 1 apartment complex. The five single bedroom attached single family dwellings may generate a lower parking demand with conscientious renting and/or purchase. The three parking spaces deficient in the northern multiple family development have 3 perpendicular parking spaces available in the loop road adjacent to the development. There are approximately 46 on-street spaces available for the 126 units. However, the proposed number of street parking will need to be revised to accommodate fire lanes where fire hydrants are to be located, where parking is not allowed. This requirement has been conditioned elsewhere in these FOF.

It is found that an exception is acceptable. The multiple family deficient parking spaces are partially mitigated by parking seemingly set-aside in the loop drive and the single-family dwellings in PUDs can be authorized by PC to have a single parking space.

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**
	Column A		
1 to 25	**1**	**1**	**0**
26 to 50	**2**	**1**	**1**
51 to 75	**3**	**1**	**2**
76 to 100	**4**	**1**	**3**
101 to 150	**5**	**1**	**4**
151 to 200	**6**	**1**	**5**
201 to 300	**7**	**1**	**6**
301 to 400	**8**	**1**	**7**
401 to 500	**9**	**2**	**7**
501 to 1000	**2% of total parking provided in each lot**	**1/8 of Column A****	**7/8 of Column A*****
1001	**20 plus 1 for each 100 over 1000**	**1/8 of Column A****	**7/8 of Column A*****
***vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces**			

The applicant is proposing four (4) ADA accessible spaces in total; one per each cluster of multifamily units. Grouping them together is not proposed nor required. Building Codes will require one to serve each building. The current parking plans do not provide comprehensive parking space measurements including ADA parking and off-site parking. For the Final PUD application, the applicant shall submit to the Planning Department an updated dimensioned parking lot plan on Sheet C-5, [Condition 4].

10-3-7: OFF-SITE PARKING: Except parking for residential uses, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the City has approved the off-site parking through Design Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed or easement. The Planning Commission may grant approval for off-site parking only if affirmative findings can be made to the criteria listed in 10-3-7.

A. The location of the parking facility will not be detrimental to the safety and welfare of residents in the area; and,

B. Reasonably safe pedestrian access will be provided from the parking facility to the building or use requiring the parking; and,

C. The property owner of land for which a building or use requires off-site parking has recorded a covenant agreeing to require any occupant or tenant to maintain such parking facilities; and,

D. The applicant requesting off-site parking has furnished a copy of a deed showing ownership of the property or a recorded exclusive, perpetual easement granted by the property owner of the land for which the off-site parking is to be located, use of the off-site property for parking purposes in perpetuity.

The property is currently under single ownership. Residential lots are to be sold individually. Since the proposal calls for internal street parking within turnouts adjoining the private street, which will contain utilities, sidewalks and landscaping; the easements and maintenance plan for these shall be properly dedicated through the Conditions, Covenants and Restrictions. Additionally, these easements shall be noted on the Final Plat, [Condition 5].

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.

A. Parking for new single family attached and detached dwellings, duets 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 nine (9) feet and six (6) inches wide by nineteen (19) feet long. 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 nine (9) feet and six (6) inches wide by nineteen (19) 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.

3. Off-street parking for single-family attached dwellings on the front of the building and driveway accesses in front of a dwelling are permitted in compliance with the following standards:
a. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet (12') wide on any lot.
b. The garage width shall not exceed twelve feet (12'). Garage width shall be measured based on the foremost four feet of the interior garage walls.

4. Off-street parking for single-family attached dwellings not on the front of the building are permitted in compliance with the following standards:
a. Development abutting a rear alley shall take access from the alley.
b. Development that includes a corner lot without a rear alley shall take access from a single driveway on the side of the corner lot. Street classifications, access

spacing, or other provisions may require adjustment or variance process. See Figure 10-3-8A.2.b.
c. Development that does not include a corner lot and does not abut a rear alley shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front of the building and the front lot line of any of the single-family attached dwellings. See Figure 10-3-8-A.2.c.

The single-family detached units include one covered and one uncovered parking space for 25 of the units and double car garages for the other six units. The parking pads for the detached units do not meet the dimension requirements, rather they propose spaces that are 8' x 18'. The proposal needs an exception for the proposed parking pad dimensions.

The single family attached units are served by/consolidated on two lanes/alleys. This criterion is met for the attached dwellings. No parking spaces in the development shall have any encroachments that reduce the size or availability of the spaces.

C. All parking areas except those required in conjunction with a single-family, duet or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.

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

The applicant has proposed tucked parking under the multifamily buildings and provided fencing plans to screen adjacent residential properties. (Exhibit E-L2). This criterion has been met.

E. Except for parking areas required in conjunction with a single-family or duplex dwelling, all parking areas shall provide:

1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph D2 of this subsection.

2. Except for places of ingress and egress, a five foot (5') landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Planning Commission may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.

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

No parking is planned that would extend into the Loop Road public way. Lane encroachments are unknown but probable with the proposed reduce parking pad dimensions. Right-of-way encroachments are prohibited. Curbs are proposed along the parking areas within the multi-family units. This criterion has been met.

G. Except for parking in connection with dwellings, parking and loading areas adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight obscuring fence or evergreen hedge of not less than three feet (3') nor more than six feet (6') in height, except where vision clearance is required. Any fence, or evergreen hedge must be well kept and maintained.

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

I. Except for single-family, duet and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.

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

K. Planning review is required for all parking lot construction or resurfacing.

L. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:

1. **Individual parking and loading spaces.**
2. **Circulation area.**
3. **Access to streets and property to be served.**
4. **Curb cut dimensions.**
5. **Dimensions, continuity and substance of screening, if any.**
6. **Grading, drainage, surfacing and subgrading details.**
7. **Obstacles, if any, to parking and traffic circulation in finished parking areas.**
8. **Specifications for signs, bumper guards and curbs.**
9. **Landscaping and lighting.**

The applicant has supplied the detailed plans required by this section with exception of a dimensioned parking plan [Condition 4]. Once provided and confirmed that it is correct by staff, these conditions will be met or conditioned to.

M. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:

1. **Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.**
2. **May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)**

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for single-family and duplex homes) 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	Parking Angle <°	Stall Depth		Aisle Width		Stall width	Curb Length
		Single	Double	One Way	Two Way		

Dimensions in feet		(C)	(E)	(D)	(D)	(B)	(F)
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	334	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

Although the applicant has provided a schematic of the parking spaces and lots, their dimensions are not shown on the plans on Sheet C-5, [Condition 4]. Additionally, they are requesting modification through the PUD process of their parking stall depth and widths on the uncovered single family detached lot spaces. The requirement is 9 feet, six inches by 19 feet. The applicant is proposing 8 feet by 18 feet stalls.

10-3-10: BICYCLE PARKING REQUIREMENTS: All new development 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.

For single-family detached and attached housing, parking is planned within garage spaces by hanging bike racks. For both Multi-family North and South complexes, refer to 10-3-10 C of this Section, below.

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.

Since the project is residential and no commercial uses proposed, this subsection is not appliable. However, the provision of short term bicycle parking is recommended.

C. Long Term Parking. Long term bicycle parking requirements are only for new development of group living and residential uses of three or more units. The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building Tri-plex, Quad-plex, Cluster Housing or Multi-Family= 1 per 3 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.

Both Multi-family North and South sites are planned to contain 23 dwelling units at each site which requires 8 bicycle parking stalls per site. Sheet A-11 indicates the provision for 4 bicycle parking spaces on the ground floor in each building in groups of two—so 8 per site. There is also a covered storage area located within the ground floor of one of the buildings on each site which might provide additional opportunities, (EXHIBIT D, Sheet 11). This criterion has been met.

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.

Each multi-family apartment site will have 8 covered parking spaces in groups of 2, four in each building

and a storage area located within the ground floor of one of the buildings. The parking closets and storage area are located closer to the building than the parking area and will be easily accessible to bicyclists within the buildings to bicyclist entering the property from the internal drive. According to the Applicant Narrative (Exhibit C, p.11), bicycle parking will be secure and within the building and lit. On-site signage indicating bicycle parking areas will be required per this Section with signage plans submitted and approved prior to permitting, [Condition 6].

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.

The proposed bicycle parking has not been located in an area that will impede or create a hazard for pedestrians or conflict with vision clearance standards. This criterion has been met.

10-3-11: LOADING AREAS:

A. Purpose. The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

B. Applicability. This section applies to residential projects with fifty (50) or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

This Section is not applicable to the proposed PUD. The rational to justify this conclusion is that both Multi-family complexes combined contain under 50 units. Additionally, each of the proposed single-family attached and detached units will be situated on one lot (site) and owned individually in the future.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-6: ARCHITECTURAL DESIGN: The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon's traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

In applicable zoning districts such as Old Town and Mainstreet, the City Planning Official, the City Planning Official's designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.

In order for the code exceptions to be permitted, all of the dwellings this development must meet the criteria applicable to dwellings in Old Town. This includes but is not limited to materials, colors, vertical and horizontal offsets, window types, trim, eaves, rake and soffit features, etc.

The applicant did not request nor provide enough information for a Type II Design Review for the multi-family and attached homes. Type II Design Reviews for the multi-family and attached residential units shall be applied for and associated fees paid so these standards may be better evaluated, [Condition 7].

Additionally, the applicant shall provide architectural details concurrently with the building permits for the single-family detached housing. An associated architectural review fee will be required unless determined otherwise by the Planning Director, [Condition 8].

[…]

CHAPTER 7 SPECIAL DEVELOPMENT STANDARDS

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with wetlands or riparian areas and potential problem areas, such as natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. Compliance with these standards is required in order to obtain a permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. (Amended Ord. No. 10, Series 2009)

10-7-2: IDENTIFICATION OF WETLANDS AND RIPARIAN AREAS AND POTENTIAL PROBLEM AREAS: At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

A. "Hazards Map", Florence Comprehensive Plan Appendix 7.

B. "Soils Map", Florence Comprehensive Plan Appendix 7.

C. "Beaches and Dunes Overlay Zone." See Chapter 19 for overlay zone requirements. Where conflicts exist between that chapter and this one, the more restrictive requirements shall apply.

D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.

E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)

10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS: The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

[…]

H. Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended): In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Amended Ord. 10, Series 2009)

[…]

The City of Florence Soils Map and the applicant's Stormwater Management Report illustrates Yaquina soils in the NE corner of the project site. The presence of such soils triggers the requirement of a Phase I Site Investigation Report unless the hazard is found to not be present or there are other standards available to mitigate the risk. Also, the Florence Area Local Wetlands and Riparian Inventory (2013 Plan) illustrates two locations of probable wetlands on site. A 2015 wetlands study performed on the site found wetlands in the limited project area in the southern portion of the site. In July the applicant provided a wetland delineation from Pacific Habitat, the same company who performed Florence' Wetlands Inventory. Staff made notification to DSL about the project. Comments were received from DSL citing two studies that had identified wetlands on site and that said DSL concurrence should be requested prior to site disturbance. The applicant shall provide staff with a Phase 1 Site Investigation which will explain the treatment of the Yaquina Soils, prior to grading. The applicant shall provide DSL the wetlands delineation and obtain concurrence prior to site disturbance, [Condition 12].

10-7-6: SITE INVESTIGATION REPORTS (SIR):

A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's *Beaches and Dunes Handbook for the Oregon Coast* (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:

1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or

2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code.

B. Specific Standards for Phase II Site Investigation Reports will be determined on the basis of the information provided in the Phase I Site Investigation Report. At a minimum, specific standards shall address the following (may include more than one category listed below):

1. The SIR Phase II - Geologic Report shall follow the "Guidelines for Preparing Engineering Geologic Reports in Oregon" as adopted by the Oregon State Board of Geologist Examiners or shall meet the requirements for Site Investigation Reports as required by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The SIR Phase II – Geologic Report shall address the following:

a. An explanation of the site and scope of the study area (e.g.

subdivision, by lot specific, or for public improvements)

b. An explanation of the degree the condition affects the property use in question;

c. An explanation of the measures to be employed to minimize detrimental impacts associated with the condition;

d. An explanation of the condition-associated consequences the development and the loss-minimizing measures will have on the surrounding properties.

2. Soils: The Site Investigation Report shall address the following development constraints for the soil types.

[…]

a. Waldport - These are sand dunes which are covered with stabilization vegetation. Conditions are moderate to severe, depending on slope. The particular need here is to preserve existing vegetation and to stabilize soil which is disturbed.

Drainage is not a problem. Areas with slopes greater than 12% should not be built on unless a site investigation determines the site to be buildable.

a. Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.

[…]

10-7-7: REVIEW AND USE OF SITE INVESTIGATION REPORTS

A. The Phase I Site Investigation Report shall be reviewed administratively through a Type II Review. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Conditional Use Permit shall be required.

If a Phase II Site Investigation Report is required, the Phase II conclusions shall be submitted for Planning Commission review. This is addressed under subsection E, below.

B. Required Certifications and Inspections:

For any Phase II SIR submitted, the registered professional of record shall be required to:

1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.

2. Review subgrade excavations and fills for structures and stormwater

drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans.

3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.

C. Conditions of approval may be imposed and/or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects such as erosion, sand encroachment, destruction of desirable vegetation including inadvertent destruction by moisture loss or root damage, spread of noxious weeds, damage to archaeological resources, are mitigated or eliminated.

D. Approval: The property owner shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and shall state, "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project."

E. Appeal: In the case of an appeal, the City shall hire a certified engineering geologist or other appropriate certified professional to review the Phase II Site Investigation Report. All costs incurred by the city to review the development shall be the responsibility of the applicant. (Ord. No. 10, Series 2009)

Due to the presence of Yaquina Soil identified in the Preliminary Stormwater Management Plan, (Exhibit F), a Phase I Site Investigation Review checklist must be provided to Planning staff prior to excavation. A Phase II report may be required depending on the findings of the Phase 1.

The applicant shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property as outlined in subsection (D) of FCC 10-7-7, Review and Use of Site Investigation Report, and shall state "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgement or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project." This shall be recorded prior to submittal of any additional building permit applications or prior to final Subdivision Plat, [Condition 8.a.].

CHAPTER 10 RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE:

[…]

C. Mobile Home/Manufactured Home Residential (RMH): The Mobile Home/Manufatured Home Resiential District is intended to provide mobile home/manufactured owners and owners of other pre-manufactured homes an alternative to renting space in a mobile home/manufactured home park. It is further the intent of this District to establish areas within the City for permanent installations of mobile homes/manufactured homes, primarily for resident owners, and to establish certain design features enabling mobile homes/manufactured homes to blend with conventional housing.

[…]

A. Table 10-10-2-A. The following table indicates which uses are permitted in each residential zone.

USES	LDR	MDR	RMH	HDR
[…]				
Planned Unit Development	D	D	D	D

P= Permitted with Type 1 review, […], D=Type III Planning Commission Review

A Planned Unit Development is allowed within an RMH zoning district after a Type III Quasi-Judicial review by the Planning Commission. This criterion has been met.

10-10-3: NON-RESIDENTIAL USES

A. Table 10-10-3-A. The following table indicates which uses are permitted in each residential zone.

USES	LDR	MDR	RMH	HDR
[…]				
Recreation facilities for use of residents or guests as part of an approved PUD	P	P	P	P
[…]				

P =Permitted with Type 1 review, SR= Type II site review required, C=Type III conditional use review required and N=Not permitted

10-10-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, a lot must meet the following minimum lot dimensions:

Table 10-10-4-A. Minimum Lot Dimensions by Development Type[1]

	LDR		MDR		RMH		HDR	
Type	Width	Depth	Width	Depth	Width	Depth	Width	Depth
All development types including single-family detached[2], except:	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.
Single-family attached dwelling or duet (single unit)	N/A	N/A	25 ft.	80 ft.	25 ft.	80 ft.	25 ft.[3]	80 ft.[3]
Manufactured Home Park	N/A	N/A	50 ft.	80 ft.	35 ft.	70 ft.	35 ft.	70 ft.

[1] Undersized lots of record with dimensions below the minimum may still be eligible for development. See Section 10-10-12.[2] Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-b.[3] The single-family attached dwelling dimensions shall also apply to single-family detached dwellings in the HDR zone.

B. Minimum Lot Area: To be designated a building site, a lot must meet the following minimum lot area:

Table 10-10-4-B. Minimum Lot Area by Development Type.[1]

Development Type	LDR	MDR	RMH	HDR
Single-family detached dwelling	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
Single-family attached dwelling	N/A	3,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.
Duplex or Duet (both units)	N/A	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
Tri-plex	N/A	7,500 sq. ft.	7,500 sq. ft.	5,000 sq. ft.
Four-plex	N/A	10,000 sq. ft.	10,000 sq. ft.	5,000 sq. ft.
All other development types[2]	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

[1]Undersized lots of record with area below the minimum may still be eligible for development. See Section 10-10-12 of this Title.[2] Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-a.

C. Lot Coverage: The maximum coverage shall not exceed the following:

	LDR	MDR	RMH	HDR
Maximum building coverage	50%	50%	50%	75%
Maximum coverage by all impervious surfaces	75%	75%	75%	85%

D. Yard Regulations: Unless an adjustment or variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:

Table 10-10-4-D. Minimum setbacks and yard regulations.

	LDR	MDR	RMH	HDR
Front				
Primary	10 ft.	10 ft.	10 ft.	5 ft.[1]
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
Side				
Primary[2]	10 ft.	5 ft.	5 ft.	5 ft.[1]
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	5 ft.	5 ft.	5 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
Rear[1]				
Primary	10 ft.	5 ft.	5 ft.	5 ft.[1]
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	10 ft.	10 ft.	10 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.

[1]Single-family detached and duplex dwellings in the HDR District shall have the same front, side and rear yard regulations as the MDR District.

[2]Minimum side setbacks may be reduced to zero feet (0') for attached primary structures where they share a common wall with a structure on an adjacent lot.

[3]For a corner lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner" both lot or parcel lines are the front line. The sum of these setbacks shall not fall below the sum of the minimum front and side yard requirements for primary building and no setback shall be below the minimum primary side yard requirement for the district.

10-10-4: LOT AND YARD PROVISIONS

The site plans did not include the above information. The applicant's narrative however does include tables with the proposed lot dimensions, total PUD building and impervious coverage, lot area, and setbacks. The applicant seeks modifications/exceptions through the Planned Unit Development section 10-23-5.H, for the following: parking within a side yard setback to allow for a parking pad on the single-family detached lots, minimum setbacks and yard regulation, and minimum lot area.

[…]

3. **When a multi-family use adjoins a single-family detached use, the multi-family use shall be set back from shared lot lines one additional foot for each foot of height over twenty-eight feet (28'), except that the required setback shall not exceed twenty feet (20') from any lot line.**

The Multi-family structures exceed the required setbacks from adjoining residential uses. This criterion is met.

E. Residential Density Standards: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum and maximum density standards shall be as listed below:

	LDR[2]	MDR[3]	RMH[3]	HDR
Minimum net density (units/acre)	**-**	**-**	**-**	**12**
Maximum average net density (units/acre)	**-**	**12**	**12**	**25[1]**
[1]Maximum average net density may be increased in the High Density Residential District through a PUD. See FCC 10-23. [2]Maximum Density is calculated using minimum lot size for use(s) proposed. [3]Existing undeveloped (infill) lots use lot sizes in Table 10-10-4-B. Subdivisions, partitions, lot line consolidations, and replats use 12 units per acre for MDR and RMH.				

The applicant is proposing a higher density ratio of 13.6 units per acre instead of 12 units per acre since this is a Planned Unit Development and allowable with Planning Commission approval through Chapter 23, 10-23-5 H of this Title.

10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Primary Structures: The maximum building or structural height shall be thirty-five feet (35'). Excepting High Density District which shall permit forty feet (40'), limited to three (3) stories.
feet (28').

2. Accessory Structures: The maximum building height shall be twenty feet feet (20').

3. […]

4. Strucures in the HDR, LDR, MDR and RMH shall have a minimum roof pitch of 3/13, except mobile homes in the mobile /manufactured home parks or district.

The plans for all proposed building structures do not exceed 35 feet in height. The single-family detached homes have a maximum height of 27 feet, nine inches., the single-family attached homes have a maximum height of 30 feet, and the multi-family a maximum height of 31 feet, ten inches.These height profiles are displayed on Sheet A-13 of Exhibit D. All proposed buildings will have a minimum roof pitch of 5:12 and a maximum roof pitch of 12:12 , an equivalent to a 45 degree angle. These criteria have been met.

B. Fences: See Code Section 10-34-5 of this Title

C. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definition, and requirements.

D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)

E. Signs: Signs shall be in accordance with Title 4, Chapter 7 of this Code. (Ord. 4, 2011)

F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for
requirements.

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

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

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

The applicant has submitted plans that indicate and/or illustrate placement of fencing (Sheet C-8), visual clearance (Sheet C-3) off-street parking (Sheet C-5), landscaping (Sheets L1 through 4,), access and circulation (Sheet C-5, public facilities (Sheet C-4, C-7 & C-8), and lighting, (Sheet C-6). All of these sheets may be found in Exhibit H. Pages 22 and 23 of the Narrative also discuss these items, (Exhibit C).

10-10-7: ATTACHED HOUSING:

A. Applicability: Single-family attached dwellings, duplexes, tri-plexes, and four-plexes are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Attached Housing standards shall apply.

1. […]

C. Approved Criteria:

a. Construction Criteria:

a. Maintenance easement: No building permit shall be issued for an attached development unless the applicant provides a copy of a recorded easement rom the owners of contiguous properties providing for reasonable egress.

On page 24 of the Narrative (Exhibit H), the applicant states that a maintenance easement will be recorded and submitted to the City prior to the issuance of building permits. The applicant shall submit a draft statement that outlines the maintenance easement to the Planning Department with the Final PUD and Final Subdivision plat application. This agreement may be incorporated within the draft Conditions, Covenants, and Declarations document, which will also be required, per Chapter 23, Section 10-23-6 of this Title, [Condition 9].

b. Number of attached units allowed: No more than 4 consecutive units that share a common wall or walls, roof, or foundation are permitted. A set of 4 attached units is allowed to be adjacent to a separate set of 4 attached units.

The proposed development features attached units in combinations of three and four consecutive units. This criterion has been met.

2. Dimensional Standards: In addition to the standards listed in 10-10-4, attached housing must meet the following:

a. Interior side setback: Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet. This standard shall also apply to accessory structures.

A modification to the minimum setback and yard regulations has been requested by the applicant through a Planned Unit Development. Section 10-23-5.H of Chapter 23 of this Title allows for the modification of the underlying zoning requirement, including setbacks. The proposed setbacks have a proposed side setback of three feet for the exterior wall not contiguous to an interior side lot line. These setbacks can be found on Sheets C-2.1 through C-2.5, Exhibit H. The applicant is seeking an exception through the PUD process.

3. Open Space: Developments of four (4) or more units shall provide and maintain open space for the use of all occupants. Open space shall have the following characteristics:

a. Not less than ten feet (10') in width or depth at any point.

b. Located on land with grade less than five percent (5%) slope

c. Cleaned sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.

d. Not used for temporary or regular parking of automobiles or other vehicles.

e. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80).

f. Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

g. Open space may be provided as private open space for single-family attached dwellings.

The proposed development will provide 49 attached and 31 detached single-family units and 46 multi-family units. Based on the requirement of 100 square feet of area per dwelling unit, 12,600 square feet of open space is required. Sheet A-2 in Exhibit D contains a table demonstrating that the applicant is proposing 81,751 square feet of open space, which is 69,151 square feet over the requirement for open space. Of that, 25% of the area, 29,907 square feet, is recreation space and is also reflected within Sheet A-2. The conditioning of the open/recreation space is discussed in

The proposed open space will not be less than ten feet in width or depth at any point. A variety of recreation areas will be provided, including a central green which will include a children's play area, a pavilion, picnic areas, lawn, native grove and walking trails Two pocket gardens are to provide native plantings, walking trails and seating areas for residents. A series of garden courts which include lawn, walking trails, a shelter, and picnic area are provided. A small fenced dog park with a seating area has also been provided. These can be viewed on Sheet L-2 in Exhibit E. Condition 13a. addresses the need for additional recreational opportunities.

The grading plan shown in Sheet C-7, Exhibit H indicates that all slopes within the project are less than 5%. Due to all of the design elements that are proposed, it is clear that recreation areas will be sufficiently cleared of obstructions. Ongoing maintenance responsibilities of the landscape shall be written into a Conditions, Conventions and Regulations for the development and submitted in draft form to the Planning Department with the Final application, [Condition 9].

4. Architectural Details:

a. Approved exterior building wall materials:

i. Lap siding., board and batten siding, shingles and shakes. Metal siding shall not be permitted.

ii. Vinyl siding is permitted if it meets the following standards:

1. The style emulates lap siding board and batten siding, shingles and/or shakes.

2. The vinyl is ultraviolet- and heat-stabilized.

3. Panels are a minimum thickness of 0.044 inches.

4. **Soffit panels are a minimum thickness of 0.050 inches.**

5. **Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.**

6. **Siding is installed with sufficient space at openings, slopes and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.**

iii. **Brick or stone masonry with a minimum 2 ¼" deep solid veneer material**

iv. **Cement-based stucco**

v. **Secondary materials: any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary material, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non-reflective and compatible with the overall building design, subject to approval. Secondary materials may be used on up to 30% pf the façade.**

Page 26 of the applicant's Narrative (Exhibit C) explains that the proposed material will include a combination of cementitious board and batten siding, coastal shingle, and cottage lap siding throughout the development. Examples of these materials are provided on Sheets A-7 through A-10 of Exhibit D. This criterion is met.

b. **Single-family attached and duet dwellings shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the following options:**

i. **A covered porch or patio of at least sixty square feet with a minimum depth of five feet (5') between the main entrance and the street.**

ii. **Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet (3'), and not more than six feet (6'), from grade.**

The front entries have been located along yet outside of central open space for a private street with covered entry porch of at least 60 square feet with a depth of five feet between the main entrance and the street. This criterion is met. All single-family attached units will have rear-loaded garages accessible from private alleyways. The porch areas shall be labeled and dimensioned within the Final PUD application, [Condition 10].

5. **Off-Street Parking: Attached Housing must meet all of the applicable standards outlined in Section 10-3 of this Title.**

6. **Fences: Attached Housing must meet all of the applicable standards elsewhere in Section 10-34-5 of this Title.**

The above items have been addressed in these Findings of Fact in more detail under their respective Chapters within this Title.

10-10-9: MULTI-FAMILY DWELLINGS:

A. **Applicability: Developments of five (5) or more attached residential units are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Multi-Family Dwellings standards shall apply.**

The proposed PUD features four multi-family dwellings containing either 11 or 12 residential units each.

B. Siting and Design Criteria:

1. **Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty feet (30') except where buildings are arranged end to end. Except in such a case, there shall be at least a ten foot (10') separation and no doorway or entry may open into the space between the buildings.**

Each of the four buildings have been located to provide a minimum of 30 feet of separation between each building. They are separated by parking lots and landscaped areas. Although each building contains several units, they are all located under one central roof system, end to end. These criteria have been met.

2. **Public Facilities: In addition to requirements listed in Section 10-36 od this Title, the developer of a multi-family dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site.**

The developer proposes to provide all utilities needed on the building site. This criterion has been met.

3. **Open Space. Developments of five (5) or more units shall provide and maintain at least one common open space for the use for all occupants. The open space shall have the following characteristics:**
   a. **Not less than ten feet (10') in width or depth at any point.**
   b. **Located on land with less than a five percent (5%) slope.**
   c. **Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.**
   d. **Not used for temporary or regular parking of automobiles or other vehicles.**
   e. **Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)**
   f. **Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.**

The proposed development will provide 49 attached and 31 detached single-family units and 46 multi-family units. Based on the requirement of 100 square feet of area per dwelling unit, 12,600 square feet of open space is required. Sheet A-2 in Exhibit D contains a table demonstrating that the applicant is proposing 81,751 square feet of open space, which the applicants proposes is 69,151 square feet over the requirement for open space. An additional 29,907 square feet of recreation space is provided in the proposal and is also reflected within Sheet A-2. The subject of open space requirements, as they relate to requests for code modifications, is conditioned in Condition 13a.

The proposed open space will not be less than ten feet in width or depth at any point A variety of recreation areas will be provided, including a central green which will include a children's play area, a pavilion, picnic areas, lawn, native grove and walking trails Two pocket gardens are to provide native plantings, walking trails and seating areas for residents. A series of garden courts which include lawn, walking trails, a shelter, and picnic area are provided. A small fenced dog park with a seating area has also been provided. These can be viewed on Sheet L-2 in Exhibit E.

The grading plan shown in Sheet C-7, Exhibit H indicates that all slopes within the project are less than 5%. Due to all of the design elements that are proposed, it is clear that recreation areas will be sufficiently cleared of obstructions. Ongoing maintenance responsibilities of the landscape shall be written into a Conditions, Conventions and Regulations for the development and submitted in draft form to the Planning Department with the Final application process per Chapter 23, Section 10-23-6 of this Title, [Condition 9].

4. **Design Standards: Multi-family buildings must meet all applicable design criteria of FCC 10-6-6-4 and 10-6-6-5, with the following exceptions:**
    a. **10-6-6-4. G.**
    b. **10-6-6-5. F.2**
    c. **10-6-6-5. G.3.**
    d. **Vinyl siding may be permitted if it meets the following standards:**

        1. **The style emulates lap siding, board and batten siding, shingles and/or shakes.**
        2. **The vinyl is ultraviolet-and heat-stabilized.**
        3. **Panels are a minimum thickness of 0.044 inches.**
        4. **Soffit panels are a minimum thickness of 0.050 inches.**
        5. **Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.**
        6. **Siding is installed with sufficient space at openings, stopes and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.**

Page 26 of the applicant's Narrative (Exhibit C) explains that the proposed material will include a combination of cementitious board and batten siding, coastal shingle, and cottage lap siding throughout the development. Examples of these materials are provided on Sheets A-7 through A-10 of Exhibit D. A Type II Design Review application for reviewing the Multi-family and attached housing units will be required, [Condition 7].

5. **Off-Street Parking: Multi-family development must meet all of the applicable standards outlines in Section 10-3 of this Title.**

6. **Fences: Multi-family development must meet all of the applicable standards outlined in Section 10-34-5 of this Title.**

Off-street parking and fencing discussions may be found under the Chapters indicated in the above sections. These criteria have been met.

CHAPTER 23 PLANNED UNIT DEVELOPMENT

10-23-1: PURPOSE: The Planned Unit Development authorization is intended to:

A. Encourage the coordinated development of unplatted land.

B. Encourage innovative land utilization through a flexible application of zoning regulations.

C. Preserve the natural amenities of land and water.

D. Create opportunities for a wide variety of life styles by creating a variety of dwelling types that help meet the needs of all income groups in the community.

E. Provide for the efficient use of public utilities, services and facilities.

F. Result in a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.

The applicant proposes a residential PUD which they believe meets the stated purposes and intent of the PUD regulations. Page 29 of the applicant's narrative (Exhibit C) explains that site is sufficiently large enough to warrant comprehensive planning rather than traditional lot-by-lot development. The applicant

proposes a variety of housing types with flexibility in the placement and arrangement of buildings, "use of open space, circulation, parking and density to promote a safe, attractive, stable and efficient residential development." Sheet C-8 illustrates the proposed public and private utilities and facilities, (Exhibit H).

10-23-2: DEFINITIONS: As used in this chapter, the following words shall mean:

COMMON IMPROVEMENTS: Include utilities and other facilities reserved in common ownership.

NET DEVELOPMENT AREA: Area of property exclusive of public or private roads, or parkland.

PUBLIC IMPROVEMENTS: Improvements that include utilities, parklands, and facilities that will be dedicated to the public and maintained by the City.

PLANNED UNIT DEVELOPMENT: Development of a unified site design for an area of land that allows deviation from specific site development standards while observing general purposes of the zoning regulations.

10-23-3: DEVELOPMENT OPTIONS: A PUD may include any of the following land uses, either singly or in combinations when they are compatible with each other and blend harmoniously with adjacent uses:

A. For the Low Density Residential District:

1. **All uses permitted in the designated zoning district including uses requiring design review.**
2. **Single family attached dwellings**
3. **Duplexes, triplexes and quadplexes.**
4. **Multi-family dwellings**
5. **Open space and Parklands**

B. For all other districts:

1. **All permitted uses in the designated zoning district including uses requiring design review**
2. **Triplexes, quadplexes and multiple-family dwellings**
3. **Open Space and Parklands (Ord. No. 2, Series 2001)**
4. **Commercial uses**
5. **Temporary use of vacant lots for RV use**

The proposed development includes a combination of both single-family attached and detached units and multifamily units. All proposed uses are allowed within the RMH zoning district upon Planning Commission approval through a Planned Unit Development.

10-23-4: GENERAL CRITERIA: Applicant must demonstrate that the development conforms to all the following criteria:

A. The proposed development shall be compatible with the general purpose and intent of the Comprehensive Plan.

Page 30 of the Applicant's Narrative (Exhibit H) and paraphrased here, refers to the intent and purpose of the Florence Realization 2020 Comprehensive Plan. They state that the intent of the Plan is to establish a coordinated land use planning process and policy framework to guide land use decisions and related actions; assure an adequate factual basis for those decisions and actions; and to comply with the appliable requirements of state law.

The applicant further provides that the stated purpose of the Plan is to provide the Florence City Council with a definitive set of policies to guide future development of the community; enable the Council to view

specific projects against desirable long-range development decisions; provide a suitable forum for public discussion; convey community concerns regarding physical development problems and opportunities as they relate to social and economic issues; and to provide a framework by which standards may be applied to achieve a viable and aesthetically pleasing community.

Within the same page and exhibit, the applicant continues with *"The […] Plan provides a framework for development within the City. The subject site has been designated Medium Density Residential within the … Plan. The corresponding zoning district is …RMH. Modifications to the underlying zoning have been provided through the planned unit development process."* That Narrative further contends that the *"Plan encourages the use of residential planned unit development subdivisions noting that trade-off to conventional zoning requirements and density limitations may be requested to achieve the purpose of a planned unit development."*

B. The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.

The proposed development is to include a mix of single-family detached and attached homes and multifamily homes. The site has been designated to provide a gradient of uses and density, with the higher density multi-family uses along Rhododendron Drive and 35th St. and the attached housing in the middle of the development, and then the shorter detached dwellings to the far east and adjacent to neighboring single-family residential lots. There are three lots adjacent or abutting the multi-family dwelling sites. One of them abuts the parking lot for the southern development. The landscape plan will need to include vegetative buffering and screening through the use of trees on the east side of the parking lot area. The building heights are 4' less than the maximum allowed and just 3 feet over what is customary for most single family designs being constructed today. The Siuslaw Village site to the east was developed in the 1970's with manufactured homes, have a lower roof pitch and are shorter by design. The architectural design of Old Town is being used with this proposal and should compliment and in cases exceed the standards of the surrounding uses. The requirement for a Type II Design Review is a condition of approval for the development, [Condition 7].

C. The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.

The application includes a Traffic Impact Analysis (TIA) performed by Kittleson and Associates that concluded no traffic controls were warranted, (Exhibit G). The TIA was peer reviewed by Jim Hanks, PE. His conclusions are attached to this report and include several concerns for the analysis:

1. Timing of traffic counts was performed, December 4, 2019, the week after Thanksgiving, a typically unacceptable time of year that seasonal adjustments will not necessarily account for.
2. Utilizing ODOT's traffic growth projections for Highway 101 on a project using city streets is problematic. ODOT's projections do not account for development growth but rather illustrate traffic trend data.
3. Not all right and left turns off of 35th and Rhododendron Dr. were evaluated. Oak St. is one notable miss.

For these reasons accurate peer review analysis of Kittleson's conclusion on the need for traffic controls cannot be ascertained. The TSP does not predict any traffic controls being needed at the intersection of 35th and Rhododendron Dr. such as a roundabout or signal, there could be the need for one or more stop signs or some other feature(s). There are no roadways under county or state jurisdiction being suggested by the applicant, peer reviewer or even ODOT as needing traffic controls.

After reviewing the initial Findings of Facts for these applications, the applicant submitted a response letter to the Planning Commission (Exhibit C1). Mr. Hank's peer review of their TIA was one topic in this letter. The applicant submitted an updated TIA (Exhibit G1) to address Oak St. traffic volumes, the timing of traffic

counts, concerns for Coast Guard Road and a traffic signal analysis. The updated TIA concluded that their results showed no need to signalize the intersection at 35th and Rhododendron Dr. and that sight lines along Rhododendron Dr. northward would support the development providing that landscaping, signage and utilities are installed and maintained to allow those sight lines.

The project is divided into two phases. In conjunction with application for Final Plat for the second phase the TIA shall be updated using traffic projection methodology that accounts for this project's phases, other approved projects in the transportation corridors being reviewed and is consistent with the TSP methodology used, [Condition 11].

D. The location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned utilities and services.

The applicant submitted Sheet C-8 in Exhibit H which contains a Composite Utility Plan. This sheet details how the proposed development will be served by utilities and services. The proposed development would connect with an existing eight-inch water line and an existing twelve-inch sewer line located in Rhododendron Drive.

Additionally, the applicant supplied a Preliminary Drainage Report (Exhibit F) which describes how stormwater treatment for roof runoff will be handled within soaking trenches on-site. Water quality and infiltration basins will be provided for all walkways, roadways and impervious ground surfaces on site.

D. The location, design, size and uses will result in an attractive, healthful, efficient and stable environment.

The subject property is representative of infill development whereby infrastructure such as streets, existing utilities and services are accessible. No upsizing of City sewer or water is planned to accommodate the additional units. The proposal includes a mix of housing densities, building design and materials compatible to the area, uses for the open space, parking and circulation which are intended to provide the residents with thoughtful access to their lots.

10-23-5: DEVELOPMENT STANDARDS: To ensure that a PUD fulfills the intent of this Chapter, the following standards and those of FCC 10-36 shall apply.

A. Minimum Size: Two (2) acres of contiguous land is the minimum for a PUD, unless the Planning Commission finds that a particular parcel of land less than two (2) acres is suitable as a planned unit development by virtue of its unique character, topography, landscape features, or by virtue of its qualifying as a special problem area.

The combined development is 9.28 acres. This criterion has been met.

B. Perimeter Yards: The Planning Commission may require a yard at least as deep as that required by the front yard regulations of the district adjacent to the PUD on any, or all, sides of the PUD. Such a perimeter yard does not qualify as open space unless the Planning Commission finds that such a dual purpose use of land is desirable.

The properties abutting the subject property are zoned RMH. The primary front yard regulations in the RMH zoning district is presently 10 feet, changed from 20' in the last five years. The proposed PUD is designed to have a perimeter yard of at least 10 feet on all sides abutting adjacent residential property and five feet on all sides adjacent to the right-of-way of existing roads. Important to note is that when Sandpines and Siuslaw Village were developed, the homes abutting the subject properties were required to have a 20' front yard setback. Home were thus set back deeper into the lots, typically with a 10' rear setback. Since that time, standards for front yards have changed to reflect a 10' front yard setback. None of the perimeter yard is identified as open space.

C. Off-Street Parking: The requirements for off-street parking and loading shall be in accordance with Chapter 3 of this Title. The Planning Commission may allow one parking space for single family dwellings in a PUD. Parking spaces or garages may be grouped together when the Planning Commission determines that such grouping of parking spaces, and the location thereof, will be accessible and useful to the residents, guests and patrons of the PUD (Ord 12, 1998)

The proposed development will include 31 detached homes and 49 attached homes (5 of which are one bedroom units) requiring 160 parking spaces. The proposed apartments will provide 24 studio/one bedroom and 22 two-bedroom units which require 58 parking spaces, 29 for each site. Therefore, a total of 218 parking spaces for all proposed unit types are required per this Chapter.

The detached and attached homes will provide parking within single or double car garages. Additional parking for the single-family detached homes will be provided on individual lots on parking pads located to the side of the homes. The multi-family apartments will provide a mix of covered (tuck under) and uncovered parking adjacent to the buildings in surface parking lots. On-street parking provided on the private loop street will provide additional parking. In total, 216 parking spaces will be provided on site, two short of the minimum requirement. Although the applicants have demonstrated a total of 262 parking spaces when including the on-street parking located along the loop drive, some of these will be eliminated due to the requirement for marked fire lanes where fire hydrants are located.

	# OF PROPOSED PARKING SPACES
Single-fam. Attached Garage Spaces	93
Single-fam. Detached Garage Spaces	37
Single-fam. Driveway (Pads) Parking Spaces	25
Multi-family Surface Parking	61
TOTAL ON-SITE	216
On-Street Parking (In the Private Drive)	46** some are located adjacent to hydrants
TOTAL Development On and Off street	262

D. Underground Utilities: All electrical, telephone, cable television, fire alarm, street light and other wiring, conduits and similar utility facilities and accessories shall be placed underground by the developer.

All new utilities necessary to serve the proposed development will be placed underground. This criterion is met.

E. Open Space: A minimum of 20% of the net development area shall be open space and must be platted for that purpose. (Easements are not acceptable). At least 25% of the 20% shall include an area designated and intended for recreation use and enjoyment. The required recreation area may be provided as:

- **Public dedication for use by public in general, and/or**
- **Property owned by the Home Owners Association (or other legal entity) for use by residents of the development.**

The recreational area may be passive and/or active recreational activities. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons with amenities, and private parks. Recreation areas shall include high-quality and durable amenities and incorporate ADA accessibility features such as, but not limited to:

- **Indoor and outdoor recreation area**
- **Play fields or outdoor playgrounds**
- **Indoor or outdoor sports courts**
- **Swimming pools**
- **Walking or running fitness courses**

- **Pedestrian and bicycle amenities meeting park industry durability standards**
- **Other recreational amenities determined by the Planning Commission to fulfill the purpose of this Chapter.**

The recreation area is required to be developed to satisfy one or more recreational needs identified in the latest Florence Parks and Recreation Master Plan. If the Master Plan or Comprehensive Plan shows a need for public recreation area in the location of the PUD (such as a trail connection or neighborhood park), the recreation area shall be dedicated to the public. If the recreation area is not meeting a need for public recreation, the city may choose not to accept dedication of the recreation area. (Ord. No. 2, Series 2011)

1. Open space will be suitably improved for its intended use, except that common open space (outside the required 25% of recreation use area) containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open spaces shall be appropriate to the uses, which are authorized for the open space.

Applicant Narrative: The subject site is a 9.28 acres in size. Therefore, 80,847 square feet of open space is required. Of the required open space, 25 percent, or 20,212 square feet of recreational use is required. The proposed development includes 84,118 square feet of provided open space, or 20.8 percentage of the site area. A total of 32,094 square feet of recreation open space is designate on the plan, or 36.6% of the open space area. This standard is met or can be met as conditioned below.

The designated recreational space is broken up into three main zones; The Central Green, Dog Park and Pocket Gardens**:**

Central Green:
The Central Green is characterized as a linear park providing a multitude of uses. The most active zone to the north incorporates a pavilion area for sheltered picnicking accompanied by a children's playground. At the center of the green is a large lawn framed by rows of trees to allow for flexible uses. It is envisioned to support pick up sports, lawn games and lounge areas. The southern end of the green is designed as a native grove, characterized by native trees and pockets of planting and surrounded by picnic areas. Connecting with all of these spaces is a concrete loop trail to support exercise and walking.

Dog Park:
The dog park is focused around a fenced bark/lawn area to support dog training/play and relief. At the dog park entry, a paved area is provided to allow for ease of pet movement with areas for seating/viewing. The park is surrounded by a number of trees to help provided shade and visual interest.

Pocket Gardens:
Two pocket gardens are provided as contemplative spaces for the development. The garden to the south is envisioned as a flower garden with bisecting walking trails to allow up-close viewing of the variety of plant species cultivated. Along the walking paths, seating opportunities are provided for rest. The garden to the northeast offers a center paved space for picnicking. The space is framed by native plantings and a ring of trees to provide shade.

The unspecified areas on either side of the Central Green's covered area shall have a recreational use associated. Neither the narrative nor the illustrations identify what Park Master Plan amenity will be featured in this portion of the recreational space. They appear to be simply a gateway area to the green which is in itself not recreation space. There are a number of recreational options listed in the park plan that would fit in this area, such as horseshoe pits, bocce area, pickle ball court, badminton, etc. Since greater than 25% of the open space area is to be designated for recreational use (because of the exceptions requests), upon submittal of the Final PUD application, the applicant shall demonstrate that active recreational uses throughout the recreational open spaces will be provided, [Condition 13.a].

2. **The development schedule which is part of the development plan shall coordinate the improvement of the open space and the construction of buildings and other structures in the open space with the construction of residential dwellings in the planned unit development.**

The proposed development will be complete within a two-year timeframe as required by a planned unit development. The construction phase of the project will be divided into two phases, Phase 1a and Phase 1b.

Phase 1a will include a mix of site work and grading work, all multi-family buildings and associated parking areas, 15 single-family detached homes, and 31 single-family attached homes. Site work will begin in October 2020 and will be a seven-month construction period. Phase 1a is shown on Sheet A-3 of the Revised Master Plan.

Phase 1b will include 16 single-family detached homes and 18 single-family attached homes. Phase 1b will begin in February 2022 and will be a nine-month construction period. Phase 1b is shown on Sheet 1-4 of the Revised Master Plan (Exhibit D).

This criterion has been met.

3. **If buildings, structures or other improvements are to be made in the open space, City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. In this case, the City Council shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.**

The proposed structures in the open space area include one central open-air pavilion approximately 12 feet by 20 feet is located at the northern end of the Central Green. Additionally, each Garden Court has an open air structure approximately 20 feet by 20 feet to support picnicking.

The applicant acknowledges that the City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed.

4. **The following areas are not acceptable for recreation area required as part of a PUD: (Ord. No. 2, Series 2011)**
   a. **Hillsides over five (5) percent slope; (Ord. 7, 2019)**
   b. **Land in the floodway, floodplain, or required riparian or wetland buffer, unless trails, benches, picnic tables and similar above are incorporated;**
   c. **Roadside ditches;**
   d. **Monument entry areas and central landscaped boulevards;**
   e. **Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events;**
   f. **Parking areas and road rights-of-way that are located within the parkland, open space, or common area, except for parking that is required specifically for use of the parkland;**
   g. **Yards, court areas, setbacks, or other open areas required by the zoning and building ordinances and regulations shall not be included in the computation.**

The proposed recreation areas within the open space will not include the items listed in subsection a-g, above. This criterion has been met.

5. **A portion not to exceed 50% of open space and recreation area requirements may be met with a fee-in-lieu if the proposed PUD is within one quarter (1/4) mile of undeveloped parkland as measured on public rights-of-way with reasonable**

pedestrian and bicycle connections to the parkland. The fee for open space shall be calculated by multiplying the sq. ft. of open space area being met with fee-in-lieu multiplied by the average square foot value of abutting real property as shown on the current Lane County assessment roll, less a percentage for easement retained for public use. The fee for recreation area will include the open space methodology and additional fee for improvements planned for the underdeveloped parkland as identified in the Parks and Recreation Master Plan or in a City Council approved community park plan for that park.

The applicant is not proposing fee in lieu. This section is not applicable to the proposed development.

F. Natural Resource Protection and Unique Land Forms: Development plans shall incorporate measures to preserve, enhance or protect significant natural resources or unique land forms where identified as part of a Phase 1 site investigation report. Areas designated for preservation or protection may count towards meeting the open space requirement but may not count towards meeting the recreation area requirement.

Because the subject site contains a portion of Yaquina loamy fine sand as identified by the City of Florence Soils Map and the Revised Storm Report provided by the applicant on page 1 of 3 in Appendix A of EXHIBIT F. and triggers the requirement of a Phase 1 site investigation report prior to grading. A Phase 1 site investigation has been provided (see Exhibit Q); however [Condition 12]. There is no area within the proposed PUD site that meets requirements of this subchapter and no unique land forms nor significant natural resources are present.

G. Mixed Uses, Unit Types, and Density: Where supported by the zoning district, development plans shall incorporate a mix of dwelling unit types and densities consistent with the base zone as well as a mix of residential commercial, and recreational uses.

The proposed PUD will include a mix of residential units. Recreational uses are proposed through the open space recreational amenities discussed in Section 23 10-23-5 of this Title. Given the number of modification requests, it is clear that by providing only one source of active recreational space within the PUD, additional active recreational activities must be provided to ensure this code is met. Sidewalks are required and are not counted as open space nor as a provision for active recreational opportunities. This requirement has been conditioned in Condition 13.a.

Sheet A-3 of Exhibit D provides a table outlining recreational and open space. Given that the areas provided in the master plan have not been specifically dimensioned, staff is unable to verify that the proposal meets the requirements. Due to the request here for modifications, the applicant shall demonstrate that the open space and recreational areas exceed the minimum amounts by providing a dimensioned open space/recreational space plan prior to Final PUD approval [Condition 13b].

H. The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieved the following:

The applicant has proposed the following modifications to the underlying standards of this code through the planned unit development process:

<u>Lot Width and Depth (Sec. 10-10-4.A)</u>

Development Type	Required Width	Proposed Width	Required Depth	Proposed Depth

Single-family detached	50 ft.	36 ft.	80 ft.	62 ft.
Single-family attached	25 ft.	24 ft.	80 ft.	60 ft.

Minimum Lot Area (Section 10-10-4.B)

Development Type	Required Min. Lot Area	Proposed Min. Lot Area
Single-family detached	5,000 sq. ft.	2,232 sq. ft.
Single-family attached	3,000 sq. ft	1,464 sq. ft.

Setbacks (Section 10-10-4.D)

	Required Setback	Proposed Setback
Front:	10 feet	5 feet
Side: - Street - Detached Single-family - Attached Single-family	5 feet 5 feet 0 and 5 feet	5 feet 3 feet 0 feet and 3 feet
Rear: - Primary - Garage (alley-loaded)	5 feet 20 feet	3 feet 3 feet

Density (Section 10-10-4-E)

	Required Maximum Density	Proposed Maximum Density
Maximum average net density (units/acre)	12 units/net acre	13.6 units/acre

Parking Stall Size (per Sec. 10-3-8.2 of this Title). That applicant is requesting reduced driveway parking space dimensions: the required parking/driveway dimensions are 9 feet, 6 inches wide by 19 feet long and the proposed driveway parking dimensions are 8 feet wide by 18 feet long,

Given these modification requests, it is clear that by providing only one source of active recreational space within the PUD, more recreational activities must be provided to ensure this code is met. Sidewalks are required and are not counted as a provision for active recreational opportunities. This is conditioned in Condition 13a.

1. High quality building design using Old Town and Mainstreet Architectural Standards or higher standards

Thoughtful exterior design can provide a positive visual impact at the pedestrian level. Although the applicant indicated in the Narrative (Exhibit C, pp. 37 & 38) that the proposal addresses the above code, a review of the side view proposals for single-family detached homes indicates no transition in materials to break up the side (planes) shown in Sheets A-17 and A-18. Chapter 17, Section 10-17A-4 A. 2 of this Title provides the following requirement for Old Town District Area A:

Building Exterior shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set.

Given that the proposal is making modification requests for this PUD which include setbacks, smaller lot sizes, and reduced parking stall dimensions, a call for these corner houses to meet the architectural standard listed above is reasonable even without being a requirement as shown here in Chapter 23, Section 10-23-5 DEVELOPMENT STANDARDS, Subsection H. A Type II Design Review for the multi-family and attached residential units shall be applied for and associated fees paid so these standards may be better evaluated, [Condition 7].

The applicant shall provide architectural details concurrently with the building permits for the single-family detached housing. An associated review fee shall be will be required unless determined otherwise by the Planning Director, [Condition 8].

2. Incorporation of unique land forms into the final PUD design

The proposed site does not contain unique land forms.

3. More recreation space than the minimum required

The required recreation space for the site equals twenty percent (20%) of the required twenty-five percent (25%). The applicant is proposing 38.2 % of recreational space. This criterion has been met.

4 On-site amenities reflecting the value of both active and passive recreational facilities

The proposal provides for a variety of amenities with their recreational facilities. A Central Green will provide a children's play area, a pavilion, picnic areas, lawn, native grove, and a walking trail. Two pocket gardens will provide native plantings, walking trails, and seating areas for residents. A series of garden courts is to include lawn, walking trails, a shelter and picnic area. A small fenced dog park with a seating area has been provided at the south end of the development. The lawns can lend themselves to lawn sports**.**

5 Natural resource protection, where identified as part of a preliminary site investigation report

Please see Condition 12, which discusses the requirement for a Phase One site investigation before grading due to the presence of Yaquina soils on the east end of the site.

6. A mix of dwelling unit types and densities

The proposed PUD will include a mix of single-family detached units, single-family attached units and multi-family units. Through a PUD approval process, this mix of unit types is consistent with the base zoning, RMH.

7. A mix of residential, commercial and recreational uses, where zoning permits

The proposed development features a mix of residential attached and detached uses, multifamily and also recreational opportunities. No commercial uses have been proposed. These criteria have been met.

10-23-6: DEDICATION AND MAINTENANCE OF FACILITIES: The City may require that space be set aside, improved, conveyed or dedicated for the following uses:

A. Easement necessary to accommodate existing or proposed public utilities.

B. Streets, bikeways and pedestrian paths necessary for the proper development of either the PUD or adjacent properties.

C. Common open space, recreation facilities, parks and playgrounds necessary and appropriate for the owners, residents, patrons and employees of the PUD. Maintenance, repair, insurance and related obligations are the responsibility of either:

1. The developer; or
2. An association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the

continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

Easements shall be provided for all public utilities on site. Streets, bikeways, pedestrian paths and all common open space will be provided in tracts and will be maintained by the association of owners or tenants. Easements shall also be noted on the final plat, [Condition 5].

10-23-7: PROFESSIONAL DESIGN: The developer is required to employ a design team to ensure that the project is well planned, and to coordinate the process of application. The design team shall include an Architect or Engineer, a Landscape Architect, a Planner, a Surveyor, and in some cases, a Soils Engineer. Designation of a professional coordinator doesn't prohibit the owner from taking part in the process.

The design team for this project includes an architect, engineer, landscape architect, planner, surveyor and a soils engineer. The contact information for each consultant that has been provided within page 3 of the General Information section at the beginning of the Narrative (Exhibit C).

10-23-8: GENERAL PROCEDURES: There shall be a three-stage review process for all PUD's. The first step is the application conference, followed by preliminary development review and approval and final review.

10-23-9: APPLICATION CONFERENCE: An outline development plan accompanied by the application fee, shall be submitted to the Planning Commission by the owner(s) of the properties to be developed. The developer, or the designated professional coordinator, shall meet one or more times together with the Planning Commission's staff and determine whether the requirements of this Chapter have been fulfilled.

Outline Development Plan: An outline development plan shall include both maps and a written statement as described in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable.

1. **The maps which are part of the outline plan may be in general schematic form, and shall contain the following information:**
   a. **The existing topographic character of the land.**
   b. **Existing and proposed land uses and the approximate location of buildings and other structures.**
   c. **The character and approximate density of the proposed buildings.**
   d. **The approximate location of major thoroughfares.**
   e. **General traffic flow patterns within the PUD.**
   f. **Public uses, including schools, parks, playgrounds and other public open spaces.**
   g. **Common open spaces and a description of the proposed use of these spaces.**

2. **The written statement which is part of the outline development plan shall contain the following information:**
   a. **An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.**
   b. **A statement of the present ownership of all the land included within the planned unit development.**
   c. **A general indication of the expected schedule of development.**
   d. **A preliminary site investigation report.**

A pre-application conference discussing the items listed above was held with the City and the design team on November 12, 2019.

10-23-10: PRELIMINARY APPROVAL: The Planning Commission shall hold a public hearing, and any continuance thereof, to discuss the PUD proposal. The public hearing shall not be held until the complete information listed below has been available for review by the Planning Commission's staff for at least thirty (30) days.

Preliminary Development Plan: A preliminary development plan shall be prepared and shall include the following information:

1. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.

The applicant provided a Tentative Plat application with exhibits with the applicable features included. The private drive, lots, alleyways, common open use spaces and parking lots for the multi-family units are indicated on Sheet C-0, and Sheets C2 through C-5, of Exhibit H.

2. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.

All sidewalks fronting Rhododendron Drive and Siano Loop shall be dedicated as public easements. A draft of this instrument shall be provided to the Planning Department with the application for the Final Plat, **[CONDITION 5].**

3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open spaces around buildings and structures, excepting private single-family lots in a residential PUD.

The criteria outlined here are indicated on Sheet C-3 of Exhibit H, Sheet L-2 of Exhibit E, and Sheets A-1 and A-2 of Exhibit D.

4. Elevation and perspective drawings of proposed structures.

Sheets C-11 through 18 in Exhibit H provide the floor layouts and elevations for the proposed residential unit structures.

5. A development schedule indicating:

- **a. The approximate date when construction of the project can be expected to begin.**
- **b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.**
- **c. The anticipated rate of development.**
- **d. The approximate dates when each stage in the development will be completed.**
- **e. The area, location and degree of development of common open space that will be provided at each stage.**

Sheets A-3 and A-4 of EXHIBIT D provide detailed information according to the requirements of this subsection.

6. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.

The applicant shall provide agreements, provisions or covenants to govern the use, maintenance and continued protection of the PUD and its common open space areas, [Condition 5].

7. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking and landscaping.

a. An off-street parking and loading plan.

b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern shall be shown.

c. A landscaping and tree plan.

After the public hearing, the Planning Commission shall determine whether the criteria and general intent of this section have been fulfilled. The Planning Commission may require such changes and impose such conditions as they determine to be prudent and desirable. The Planning Commission may, at its discretion, authorize submission of the final plan in stages, corresponding to the different phases or elements of the development, after receiving evidence assuring completion of the entire project on schedule.

All required application materials for the preliminary development plan have been included in the land use proposal and will be revised or adjusted to meet Conditions as approved by the Planning Commission.

10-23-15: PHASED PLANNED UNIT DEVELOPMENT: A Planned Unit Development may be phased. No building permit shall be issued without receiving preliminary development plan approval as set forth in this section. When a PUD is phased, one preliminary development plan is approved by the Planning Commission for the entire development, and final development plan for each individual phase is reviewed separately. Planning Commission shall approve a phased preliminary development plan, provided affirmative findings can be made that:

A. The proposed PUD meets the preliminary development plan requirements outlined in 10-23-1 through 10-23-10.

B. The proposed PUD includes the following elements:

1. **A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.**
2. **Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.**
3. **Each phase will have public improvement that meet the infrastructure capacity requirements for the development and meet the requirements of City Code and city design standards.**
4. **Each phase is designed in such a manner that each phase supports the infrastructure requirements for the phased development as a whole.**

C. If the approval of a final development plan for a phase of a phased PUD requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the phasing plan for the preliminary development plan shall be modified prior to approval of the final development plan.

D. If a phased PUD included creation of a subdivision, the application may be processed concurrently.

E. PUDs approved for a multi-phased development may apply for final development plan approval by phase, in the following manner:

1. **The first phase of development shall apply for final development plan approval within two (2) years from the date of the preliminary development plan approval;**
2. **The second phase of development shall apply for final development plan approval within two (2) years after the final development plan approval of the first phase;**
3. **Subsequent phases shall file for final development plan approval within two (2) years after the final development plan approval for the preceding phase, with all phases filed within eight (8) years of the preliminary development plan approval.**

The applicant has provided a target completion timeframe for the two proposed phases, Phase 1a and Phase 1b.

Phase 1 is to include a mix of site work and grading work, all multi-family buildings and associated parking areas; 15 single-family detached homes, and 31 single-family attached homes. The proposed beginning work start date for Phase 1a is October 2020 and will be a seven-month construction period. Building work is scheduled to begin in February 2021 and will involve a 12-month construction period. Phase 1a is shown on Sheet A-3 of Exhibit D.

Phase 1b will include 16 single-family detached homes and 18 single-family attached home. Phase 1b will begin February 2022 and will be a nine-month construction period. Phase 1b is shown on Sheet A-4 of EXHIBIT D.

TITLE 10: CHAPTER 34 LANDSCAPING

10-34-2: LANDSCAPE CONSERVATION

10-34-2-1: Applicability. Except for single family homes and duplexes the provisions of this Section are applicable to all development sites which contain stands of Native Vegetation or specific Significant Vegetation, as defined below. "Development sites" do not include any street, alley, or public right-of-way.

10-34-2-2: Native Vegetation. "Native vegetation" means those plant species native to the Florence region that are listed as native on the suggested *Tree and Plant List for the City of Florence*, such as Shore Pine, Fir, Hemlock, Spruce, Native Rhododendron, Wax Myrtle, Kinnikinnick, Huckleberry and Salal. Preservation of existing native vegetation is strongly encouraged and preferred over removal of vegetation and re-planting. Existing native vegetation may be credited toward the landscape requirements of Section 10-34-3-3 if it is preserved in accordance with the following standards:

A significant portion, easily 70 percent, of the proposed site contains mature native vegetation. Historically, the most intense use the property experienced was as a NACO West RV park. Many campsites have been overtaken by vegetation. One noticeable characteristic of Rhododendron Drive is its vegetation. A site visit by City staff revealed an abundance of Native Rhododendron, Wax Myrtle, Kinnikinnic, Huckleberry, Salal and a variety of native and non-native mature trees including Shore Pine.

A. Living plant material covers a minimum of 70 percent of the area proposed for preservation;

B. Preservation area(s) are a minimum of 30 square feet for any one area with dimensions a minimum of 5 feet on any side to ensure adequate space for healthy plant growth;

C. Preservation area(s) are setback from new construction areas a minimum of 10 feet from new structures, and a minimum of 5 feet from new hard-surface areas (e.g. parking lot, walkways), and replanted with native vegetation if damaged during construction;

D. The preservation area is clearly marked and identified for protection on the landscaping plan as well as on-site (e.g. construction fencing) prior to site disturbance.

E. Existing noxious weeds[1] within the preservation area are removed prior to approval of the installed landscaping; and

F. Preservation areas with grade changes around the perimeter are addressed with appropriate transition or stabilization measures (e.g. retaining wall) to avoid erosion.

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[1] Noxious and invasive weeds are those identified by the current Lane County Public Works "Noxious and Invasive Weed Management List," with additional City of Florence footnotes. If a current county list is not available, the list in the current Oregon Department of Agriculture in "Noxious Weed Policy and Classification System" will be used. Noxious weeds common to the area are Scotch Broom, English Ivy, Gorse, and Himalayan (Armenian) Blackberry.

The applicant has proposed a landscape plan (Exhibit E); however, no trees have been retained inside the site for preservation (Sheet L-1). The applicant is not asking for landscaping credit. Given the proposal to provide native groves as open space, retaining any existing trees would be desirable.

10-34-2-3: Significant Vegetation. "Significant vegetation" means:

A. Native vegetation, or

B. Plants within designated sensitive land areas such as wetlands, riparian areas, and slopes steeper than 40%, or

C. Trees having a DBH of four (4) inches or larger measured 4½ feet above ground.

As stated in the previous subsection, the site contains dense native vegetation. Additionally, trees with a DBH of four are in abundance.

10-34-2-4: Preservation Credit. The City may grant a "Preservation Credit" if existing significant vegetation on the site is preserved, in the form of a reduction of the overall landscape area and planting requirements of Sections 10-34-3-3. The City may authorize credits which effectively reduce the required landscaping if the following standards are met:

A. **Significant vegetation species and areas to be preserved shall be mapped and flagged in support of the site development application. Significant trees shall be mapped individually and identified by species and diameter. Wetland resources shall have a current delineation approved by the Department of State Lands. Appropriate protection from construction damage shall be in place prior to site disturbance. For a "Burn to Learn" site, significant vegetation that can be saved shall be protected.**

B. **Native vegetation, wetland, riparian, and steep slope vegetation shall meet the standards set forth in Section 10-34-2-2 subsections A through F above.**

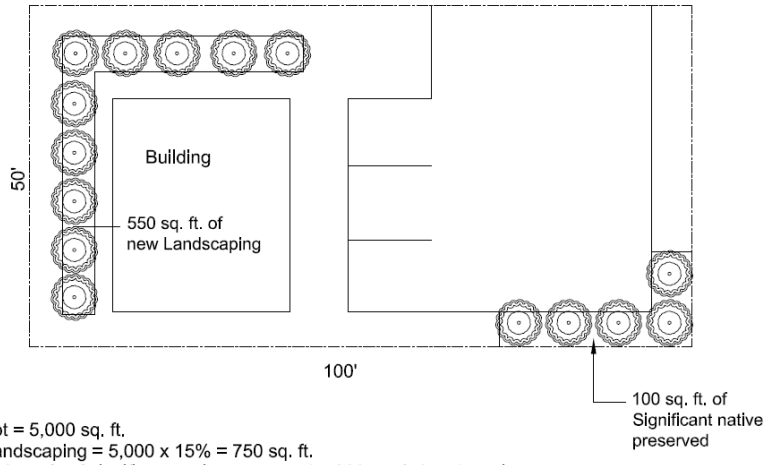
C. **Dead or diseased vegetation and split, leaning, or unstable trees shall not qualify as preserved vegetation.**

D. **Mature vegetation shall be trimmed and pruned as appropriate by qualified personnel to form a long-term element of the site landscaping.**

E. **Landscape credit for preserved significant vegetation areas shall be granted at the ratio of 2 to 1 (e.g. every one square foot of preserved significant vegetation shall be counted as two square feet in meeting the total specified landscape area for a site). However, in no case shall the requirement for actual landscaped area be reduced below 2/3 of the area that would be required with no credit.**

F. **Landscape credit for preserved trees shall be granted at the ratio of one less new tree planting for every two (2) inches diameter of preserved significant trees (e.g. a preserved tree of six inch diameter counts as three newly planted trees). This credit can be applied against required front yard, parking island, buffer, and/or street trees. However in no case shall this credit reduce the requirement for newly planted trees below 2/3 of the number that would be required with no credit. All preserved trees shall be protected from construction compaction or grade changes of more than six inches on the surface area in relation to the crown of the tree canopy.**

G. **Figure 10-34(1): Native Preservation Credit Trade-off**



Lot = 5,000 sq. ft.
Landscaping = 5,000 x 15% = 750 sq. ft.
100 sq. ft. of significant native preserved = 200 sq. ft. Landscaping
New Planting = 750 sq. ft. - 200 sq. ft. = 550 sq. ft. new Plantings.
Actual landscaped area coverage = 650 sq. ft./5,000 sq. ft. = 13%

The application materials include a site survey that illustrating the trees existing on the site. It includes a legend that indicates they propose to retain trees. The trees proposed for retention are on neighboring property. The proposed development is not including the preservation of native vegetation and therefore not requesting preservation credits.

10-34-3: LANDSCAPING

10-34-3-1: Applicability. Except for single-family 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)

New development is proposed. Landscaping shall be provided in accordance with this chapter.

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 has been submitted illustrating the information listed in Subsections A through G, above. (Exhibit E).

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[2] 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.

3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.

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.

5. Pocket-planting[3] with a soil-compost blend around plants and trees shall be used to ensure healthy growth.

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

The Narrative states that total landscaping area equals 132,269 square feet, (p, 44, Exhibit C). This is an equivalent to 32.7 percent of the total project acreage. While a plant list is included it does not include the numbers of plant, just the plant sizes. The project site shall include a minimum one tree and 6' shrubs per 30' linear feet of the frontage length along Rhododendron Dr. and Loop Road

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

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[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.

[3] Pocket-planting is used in conjunction with sandy soils by removing existing sand approximately twice the width and the same depth of the pot, and replacing it with a soil-compost blend.

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).**

4. **<u>Non-plant Ground Covers.</u> 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.**

B. <u>Existing Native Vegetation</u>. Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter.

According to page 44 of the Narrative (EXHIBIT C), the proposed development will not include the preservation of native vegetation on site. However, in the planting notes on Sheet L-3 (EXHIBIT E) of the Landscape Plan, the first Note states: *"VERIFY LOCATION OF EXISTING TREES TO REMAIN PRIOR TO SOIL PREPARATION. PROTECT ALL TREES AND SHRUBS INDICATED TO REMAIN."* Nevertheless, the Landscape Plan does outline the proposed materials and their sizes that are listed in this subsection on the same page.

C. <u>Hardscape features</u>, such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.

D. <u>Storm Water Facilities.</u> Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water-tolerant, native plants.

The provided Landscape Plan (Exhibit E) indicates street trees and ground cover. However, it is unclear which specific tree species will be located where. A final Landscape Plan shall be submitted with the Final PUD application indicating the numbers of plants, which plants they are, and where exactly they are going to be placed, [CONDITION 26].

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.

The materials indicate temporary irrigation is proposed to establish plantings. A detailed irrigation Plan shall be supplied with the Final PUD application, [Condition 27].

10-34-3-6: Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:

A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;
B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the *Tree and Plant List for the City of Florence* installed per island;
C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;
D. Irrigation is required for interior parking lot landscaping to ensure plant survival;
E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and

Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.

The proposed parking lots within the multi-family development will be provided as tuck-under parking with the second-floor building overhang providing cover of the parking spaces. Landscaping is not proposed within these areas. Where surface parking is provided without building overhang cover, landscape islands have been provided consistent with the requirements of this Section. This criterion is met if the quantities in the revised landscape plan conform with the code.

10-34-3-7: Buffering and Screening. Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

A. <u>Parking/Maneuvering Area Adjacent to Streets and Drives.</u> Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-7-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

The proposed tuck-under parking area will be visibly screened from the street by the proposed buildings. Where surface parking is provided, landscape screening from the street will be provided.

B. <u>Parking/Maneuvering Area Adjacent to Building.</u> Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

The parking areas adjacent to the multi-family buildings have been separated from the buildings with a curb and raised walkway a minimum of five feet in width. The tuck under parking within the multi-family developments are presumed to include building protection such as wheel stops or bollards.

C. <u>Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required</u>. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. **a decorative wall (i.e., masonry or similar quality material),**
2. **evergreen hedge,**
3. **opaque or sight-obscuring fence complying with Section 10-34-5, or**
4. **a similar feature providing an adequate screen**.

All proposed mechanical equipment will be located inside the buildings. The screening requirements of this subsection are not applicable.

10-34-4: STREET TREES: Street trees are trees located within the right-of-way.

A. Street Tree List. Trees shall be selected from the Tree and Plant List for the City of Florence based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Other tree species are allowed with City approval.

B. Caliper Size. The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one half (1 ½) inches with a high graft (lowest limb a minimum of 5 foot high from the ground) to ensure pedestrian access.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-14.

D. Soil Preparation, Planting and Care. Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soil-compost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

Street trees are proposed along both sides of the private street loop and spaced an average of 25 feet on-center. See Condition 26, which requires a list and location of trees submitted with the Final PUD application.

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

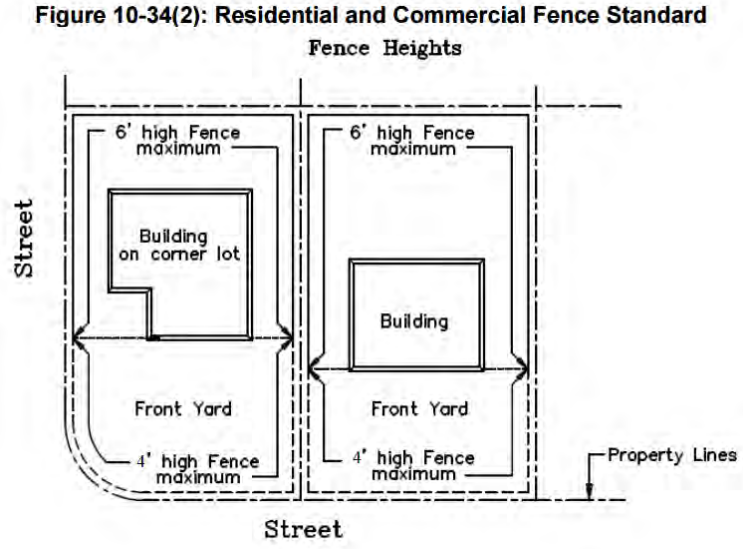
installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34- 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))

[…]

Figure 10-34(2): Residential and Commercial Fence Standard



C. The following exceptions may be allowed through Type I, II or III Review.

1. Specifically for RV parking in residential zones, the height of fences and walls shall not exceed eight (8) feet in the rear and side yards.

2. A retaining wall exceeding four (4) feet in height within a front yard setback which is necessary for site grading and development (see also FCC 10-34-5-D-3).

3. One arbor, gate, or similar garden structures not exceeding eight (8) feet in height and six (6) feet in width is allowed within the front yard, provided that it is not within a required clear vision area. Courtyard walls up to 6 feet in height may also be allowed in the front yard.

4. Walls and fences for swimming pools, tennis courts, and other recreational structures may exceed six (6) feet provided they are not located in the front yard.

5. Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.

D. Specific Requirements

1. Walls and fences to be built for required buffers shall comply with Section 10-34-3-7.

2. Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-14.

Fencing and walls are not proposed to interfere with vision clearance. Perimeter 6' high cedar fencing is proposed and complies with city code.

3. Retaining walls exceeding four (4) feet in height and freestanding walls or fences greater than seven (7) feet in height require a building permit

4. Sheet Metal Fencing (as permitted) shall meet the following criteria:

a. Must have appropriate weatherization coating to address vulnerability to rust in Florence's coastal climate.

b. Must be installed and maintained as per warranties to ensure longevity. Warranty documentation must be submitted to the Planning Director before approval.

c. Shall be maintained in good condition (rust and hole free, non-peeling, and absent of similar signs of disrepair), or otherwise replaced by the property owner.

d. Sheet metal fencing, due to its manufacturing design, will be either horizontally or vertically dominant depending on the manner of installation. To break up the dominant vertical or horizontal orientation, the fence design along streets shall incorporate variable architectural detail. This can be accomplished through one or more of the following a minimum of every eight (8) feet;

1. Addition of vertical siding trim strips and cap trim of colors different yet complimentary to the fence color.

2. Change in orientation of sheet metal.

3. Vertical offsets (staggered fence line).

E. Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

F. Materials.

1. Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.

2. Materials permitted with Administrative Design Review: Sheet metal is permitted within the Limited Industrial District with Administrative Design review Approval.

3. Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller than eight (8) feet. Sheet metal is prohibited within all districts except the Limited Industrial District.

4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-7-14.

The proposed residential lots are to have a six-foot cedar perimeter fence. The internal fencing at the dog park will be welded wire panels with wood framing. The cement retaining walls are less than 4' feet. These criteria are met.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2: VEHICULAR 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.

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.

The applicant shall be required to obtain a Construction Permit in Right-of-Way prior to their construction of their access to and improvements Rhododendron Drive, [Condition 13].

10-35-2-4: State and County Access Permits: ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit. A State or County complete access permit application must be submitted as part of all land use permits. Conditions placed by the State or County upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. When a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the "Highway 101 Access Management Plan." County roads are governed by the Lane County Transportation System Plan and Lane Code Chapter 15.

No direct access onto a State Highway or County Road is proposed.

10-35-2-5: Traffic Study Requirements: The City may require a traffic study prepared by an Oregon registered professional engineer with transportation expertise to determine access, circulation, and other transportation requirements in conformance with FCC 10-1-1-4-E, Traffic Impact Studies.

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A. The Traffic Impact Study shall:

1. **Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.**

2. **Utilize the analysis procedures of the Highway Capacity Manual, latest edition.**

3. **Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.**

4. **Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.**

5. **Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city's adopted Level-of-Service standards. The study shall also propose funding for the proposed mitigation measures.**

The application includes a Traffic Impact Analysis (TIA) performed by Kittleson and Associates. This firm concluded no traffic controls were warranted, (Exhibit G). The TIA was peer reviewed by Jim Hanks, PE. His conclusions are attached to this report and include several concerns for the analysis:

1. Timing of traffic counts was performed, December 4, 2019, the week after Thanksgiving, a typically unacceptable time of year that seasonal adjustments will not necessarily account for.

2. Utilizing ODOT's traffic growth projections for Highway 101 on a project using city streets is problematic. ODOT's projections do not account for development growth but rather illustrate traffic trend data.

3. Not all right and left turns off of 35th and Rhododendron Dr. were evaluated. Oak St. is one notable miss.

"For these reasons accurate peer review analysis of Kittleson's conclusion on the need for traffic controls cannot be ascertained. The TSP does not predict any traffic controls being needed at the intersection of 35th and Rhododendron Dr. such as a roundabout or signal, there could be the need for one or more stop signs or some other feature. There are no roadways under county or state jurisdiction being suggested by the applicant, peer reviewer or even ODOT as needing traffic controls."

In response to the above, the applicant submitted a revised TIA (Exhibit G1). This is currently being reviewed by Mr. Hanks.

The project is divided into two phases. In conjunction with application for Final Plat for the second phase the TIA shall be updated using traffic projection methodology that accounts for this project's phases, other approved projects in the transportation corridors being reviewed and is consistent with the TSP methodology used. [Condition 11].

B. The applicant shall consult with City staff to determine the content and level of analysis that must be included in the TIS. A pre-application conference is encouraged.

A pre-application conference was held with City staff on November 12, 2019.

C. Conditions of Approval: The City may deny, approve, or approve a development proposal with appropriate conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval should be evaluated as part of the land division and site development reviews, and may include but are not limited to:

1. **Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.**

2. **Access adjustments, where proposed access points do not meet the designated access spacing standards and/or have the ability to align with opposing access driveways.**

3. **Right-of-way dedications for future improvements.**

4. **Street improvements.**

5. **Turn restrictions such as "right in right out".**

According to p. 53 of the Narrative, the applicant acknowledges that the City may propose conditions of approval as needed to meet operations and safety standards and provide the necessary right -of-way and improvements to develop the future planned transportation system, (Exhibit C).

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.

According to p. 53 of the Narrative, the applicant acknowledges that the City may propose conditions of approval as needed to meet operations and safety standards and provide the necessary right -of-way and improvements to develop the future planned transportation system, (Exhibit C).

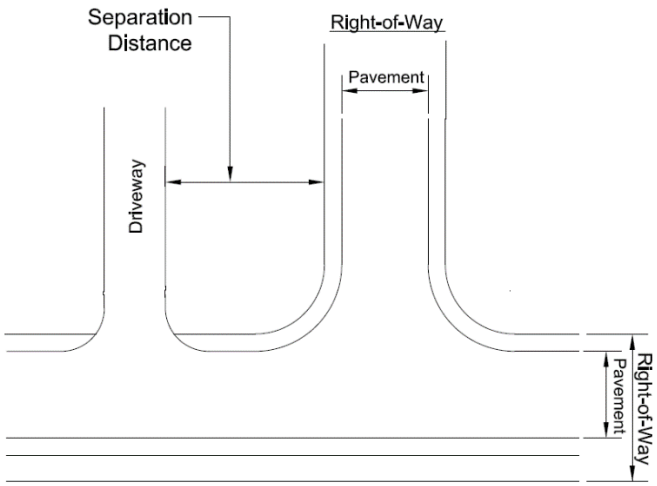
10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

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.**

<u>Separation Distance from Driveway to Pavement</u>:

Alley	**15 feet**
Local Street	**25 feet**
Collector Street	**30 feet**
Arterial Street	**50 feet**

Figure 10-35(1): Separation Distance from Driveway to Street



B. **Where the City finds that reducing the separation distance is warranted, such as:**

   a. **no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or**

   b. **planned improvements or traffic circulation patterns show a different location to be efficient and safe,**

   the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).

C. **Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-family and duplex dwellings are exempt.**

The subject site consists of a single private loop street. Access to the single-family homes is provided through a series of private alleyways and lanes. Access to the multifamily home is provided through a surface-level access drive connecting to shared parking areas. All on-site alleys are located over 50 feet from Rhododendron Drive. All access driveways connecting to the proposed private drive have been spaced more than 15 feet apart. All on-site access has been designed to prevent backing onto a public street. There are three spaces proposed to be located within the right of way on the north side of Loop Road that are situated perpendicular to the roadway and thus require backing movement onto the private shared loop drive.

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.

Direct access to all proposed units originates from the private loop drive and not Rhododendron Drive. The private loop drive functions as a local street.

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.

A parking and circulation plan has been submitted by the applicant as seen on Sheet C-S, EXHIBIT H.

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

A. For shared parking areas;

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

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

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

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

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

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

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

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

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

Joint and cross access have not been proposed.

10-35-2-12: Driveway Design: All openings onto a public right-of-way and driveways shall conform to the following:

A. <u>Driveway Approaches.</u> 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.

The applicants state in the Narrative that all driveway approaches have been designed and located to conform with the City's spacing and design standards, (p. 55, Exhibit C).

B. <u>Driveways.</u> 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 (10) feet and not more than twenty-four (24) feet. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.**

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.**

3. **Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.**

4. **One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).**

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.**

The proposed street network will feature a private loop road, which intersects with the east side of Rhododendron Drive in two locations. The proposed private loop road is connected to an alley network inside the site. All proposed alleys have been designed with a 20-foot right-of-way and 16 feet of pavement. Access to the attached single-family lots will be from these alleyways. All single-family detached driveways will be a minimum of 10 feet in width. Driveway grades will not exceed 15 percent. The proposed design provides adequate circulation for vehicles, bicycles and pedestrians. See also the findings for 10-35-2-12, below, regarding driveway dimensions.

C. <u>Driveway Apron Construction</u>. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10-35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent, and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.

Figure 10-35(2): Examples of Driveway Next to Sidewalks/Walkways

The intersections of the private loop road and Rhododendron Dr. have been designed to meet street intersection standards Driveway aprons are not provided on Rhododendron Dr. Driveway aprons have been provided where the proposed alleyways intersect with the private loop road. The driveway aprons have been designed to meet the requirements of this section.

D. Fire access lanes with turnarounds shall be provided in conformance with the Fire code. Except as waived in writing by the Fire Code Official, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed aisle width of 20 feet and turn-around area for emergency vehicles. The fire lanes shall be marked as "No Stopping/No Parking." See figure 10-35(3) for examples of fire lane turn-rounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.

Tony Miller of Siuslaw Valley Fire and Rescue provided comments during the pre-application phase of this project where either a turnaround, through connection or sprinklers were required. Mr. Miller has since provided a letter commenting on this very matter, (Exhibit N). The applicant has opted for sprinklers on the dwellings located on Lanes that are 150' or greater from Loop Road. With this commitment this criterion is met.

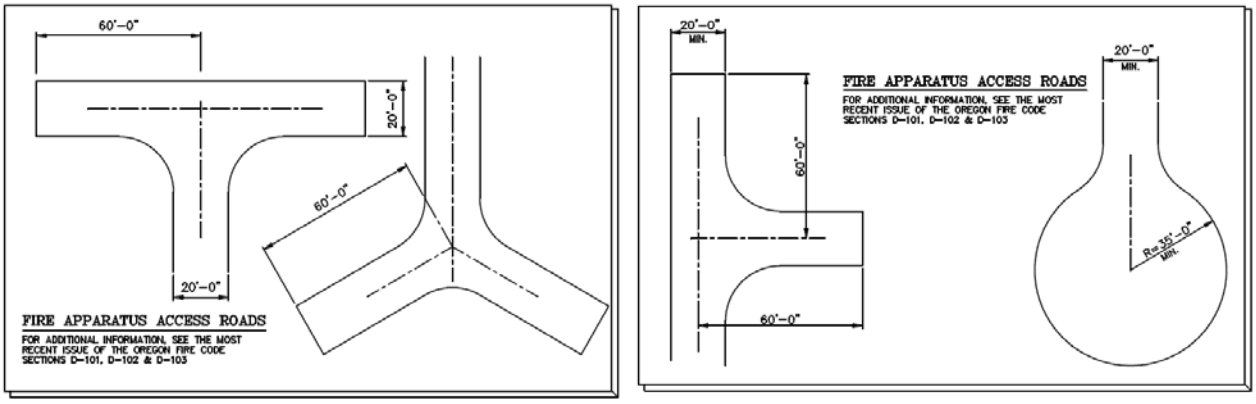


Figure 10-35(3): Examples of Fire Lane Turn-Around

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.

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 ½') 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:

A. **At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').**

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

C. **At the intersection of internal driveways, 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 10-2-13 of this Title for definition.

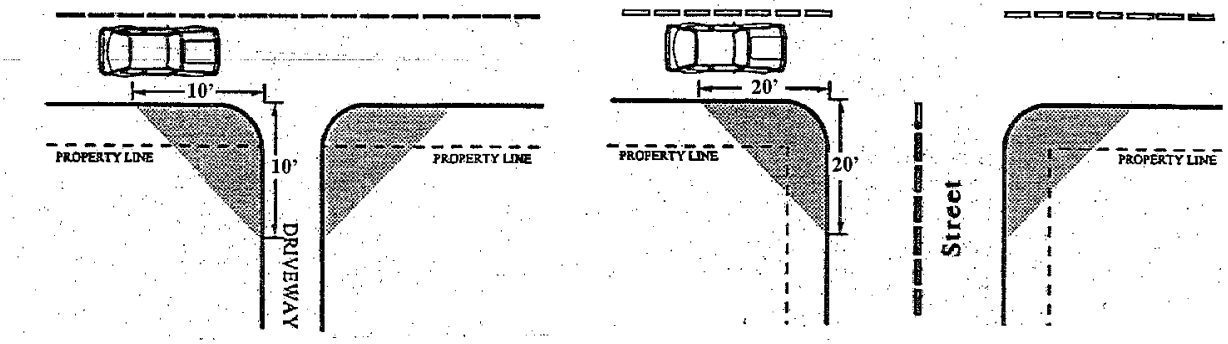


Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)

The application materials illustrate both the vertical and vision clearances are met.

10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

10-35-3-1: Sidewalk Requirements:

A. <u>Requirements</u>: 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.

2. Upon any redevelopment of property that expands the building square footage by 25% or more.

3. Upon any change of use that requires more than five additional parking spaces.

B. <u>Exceptions</u>: 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 non-remonstrance 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. <u>Appeals:</u> 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. <u>Timing:</u> 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.

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. <u>Continuous Walkway System.</u> 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.

Sidewalks will be provided along both sides of the internal loop street and will connect to the multi-use path on Rhododendron Dr. to the internal circulation system which will then provide access to all building entrances and recreation areas.

.

B. <u>Safe, Direct, and Convenient.</u> 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. <u>Reasonably direct</u>. 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. <u>Safe and convenient</u>. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

[…]

4. "<u>Primary entrance" for residential buildings</u> is the front door (i.e., facing the street). For multifamily buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

The internal circulation system appears to be reasonably direct, free from hazards, and provides access to all primary building entrances on site. These criteria have been met.

C. <u>Connections Within Development.</u> 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);**
2. **Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be**

cause for not making certain walkway connections; and

3. **For large parking areas with 80 or more parking spaces and depending on the layout of the parking lot, the City may require raised walkways a minimum of 5 feet wide to provide pedestrian safety.**

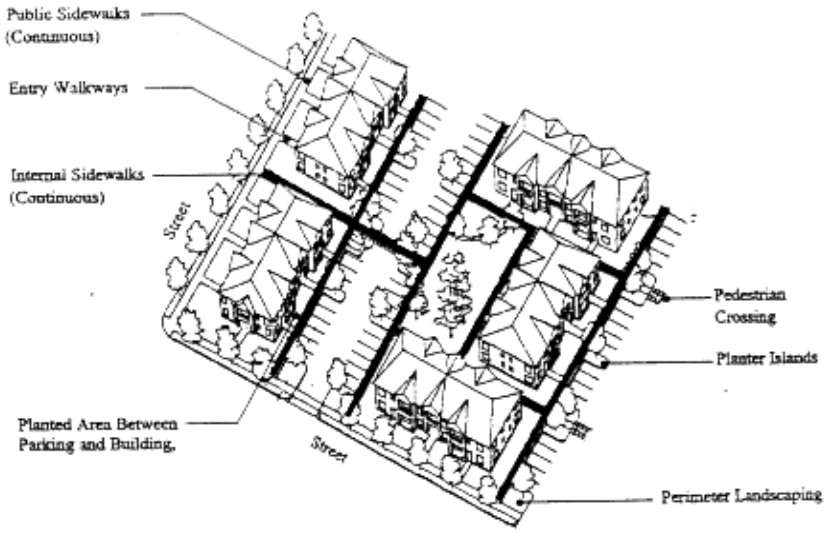


Figure
10-35(5): Pedestrian Pathway System (Typical)

The internal circulation system will provide direct access to all building entrances, on-site parking areas, storage areas, recreation facilities and common areas. The internal circulation system will connect with the proposed multi-use path on Rhododendron Drive.

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):

A. <u>Vehicle/Walkway Separation.</u> Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

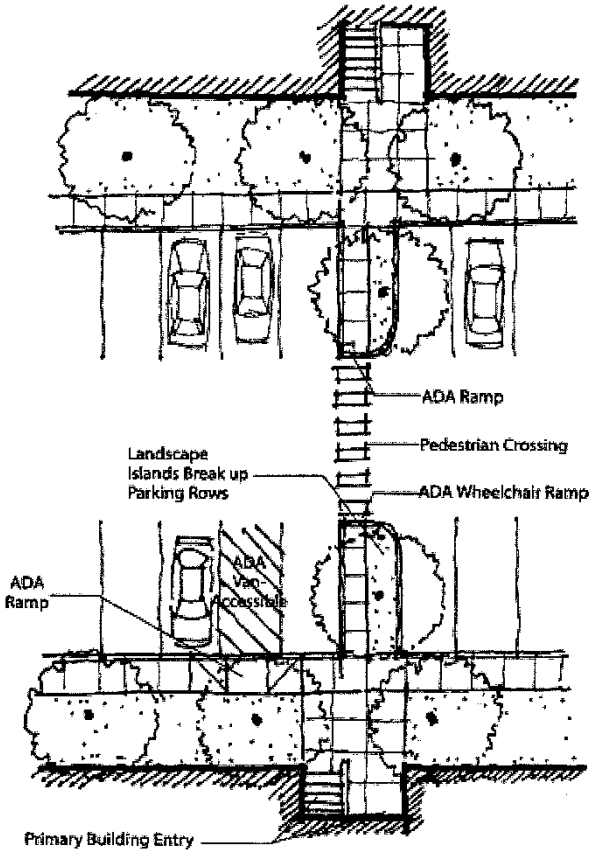
All proposed walkways, abutting streets and driveways will be separated by a six-inch curb.

B. <u>Pedestrian Crossing.</u> Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.

All pedestrian crossings will be clearly marked with contrasting materials in accordance to this subsection.

C. <u>Width and Surface.</u> 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)



The applicant proposes that all walkway surfaces be constructed of a durable surface as approved by the Public Works Director, and be at least five feet wide without a curb. The multi-use path to be located on the east side of Rhododendron Dr. was originally understood to be ten feet wide; however, after conversations with staff, the applicant understands that the path my provide an 8' wide pathway and they will be redesigning their pathway to meet City recommendations.

D. <u>Accessible routes.</u> 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.

All walkways and multi-use paths are planned to conform with applicable ADA requirements. Ramps will be provided where walkways intersect with driveways and streets, On-site walkways will provide direct routes to primary building entrances. Sheet L-2 in Exhibit E best illustrates these circulation options.

10-35-4: Transit Facilities: Proposed uses other than single-family residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

A. If the proposed uses are located on a site within ¼ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

No existing nor planned transit stops are located within ¼ mile of the project site,

TITLE 10: CHAPTER 36 PUBLIC FACILITIES

10-36-2: STREET STANDARDS:

10-36-2-1: Development Standards: The following standards shall be met for all new uses and developments:

A. All new lots created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation must have street frontage and approved access to a street.

The proposal includes the creation of new lots. There is inconsistency between the platting proposal and the PUD proposal. In the platting materials, all but one lot, Lot 22, have street frontage via Rhododendron Dr., 35th St., internal Loop Road., or on one of the seven Lanes (A-H, excluding B & I). Lot 22 fronts on the driveway of the southern Multi-family development, which is illustrated as Lane B on the PUD materials. Lot 22 shall be platted with street (Lane) frontage or reclassified as a Tract with no dwelling, [Condition 14].

Sheet C-4 of Exhibit H depicts ROW cross sections. What shows as an alleyway cross section should be labeled as a Lane. Additionally, this same cross section is labeled "Tract" at the top of the illustration and should be labeled as "Proposed Right-of-Way," [Condition 14a].

B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.

Pedestrian and roadway improvements are proposed along Rhododendron Dr., 35th St. and Siano Loop. The proposed improvements are reviewed below.

C. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.

Additional street width is proposed along Siano and Rhododendron Dr. The proposed improvements are reviewed below.

D. All new public streets and alleys shall be paved per the City of Florence Standards and Specifications document. Alleys may also be improved with porous concrete, porous asphalt, permeable pavers such as turf concrete, brick pavers or other materials approved by the City. The City does not maintain alleys.

The proposal includes paving of all new streets and lanes (alleys). This criterion is met.

10-36-2-2: Improvement Guarantee: The City may accept a future improvement guarantee (e.g., non-remonstrance agreement, which certifies that the owner and their successors will not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

A. A partial improvement does not create a potential safety hazard to motorists, bicyclists, or pedestrians.

B. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, reduce street safety or capacity.

C. The improvement would be in conflict with an adopted capital improvement plan.

There are three transportation projects identified in the TSP for the Rhododendron Dr. frontage of the proposed project, PRJ-17D, MU-1B, and B-4. There is a nexus for the first two, constructing the arterial cross-section and constructing a separated multi-use path. B-4 is for bicycle related tourism.

The applicant originally proposed using the alternative development cross section for Rhododendron Dr. rather than the standard cross section. That option is available when there are topographical or physical constraints. The grading plan does not illustrate any topographical constraints and there are no structures or major utility infrastructure physically constraining the development of the right-of-way. The right-of-way is platted sufficient width—60 feet, so no additional right-of-way dedication is anticipated. The City has included in their capital improvement plan construction of the path both south and north of 35th St. and participation has been secured from Fairway Estates development to the north. Construction of the alternative development cross section would be in conflict with the capital improvement plan. The applicant shall construct the cross-section standard for Rhododendron Dr. or as modified by the Public Works Director or enter into a non-remonstrance agreement for proportionate contribution to near future improvements to Rhododendron Dr. in conformance with the TSP, [Condition 15]. Since the original Findings of Facts were submitted to the applicant, they met with the City and learned that the 10' wide pathway they had planned could be reduced to 8' and therefore the City's preferred design could be implemented. Nevertheless, the condition still holds.

10-36-2-3: Creation of Rights-of-Way for Streets and Related Purposes: Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be recorded, and provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Florence Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

The proposed development will utilize a private street system on-site, through the platting of a road and 'Lanes". New public (City) right-of-way for streets will not be created through this development. This criterion is met.

10-36-2-4: Creation of Access Easements: The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code and the City of Florence Standards and Specifications.

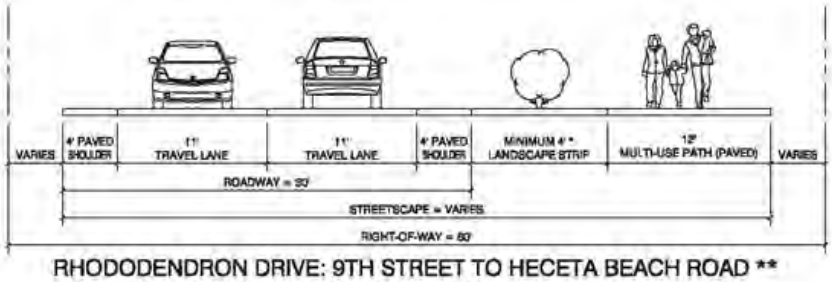
The plat illustrates lot access through alleys labeled "Lanes" and "Loop Road" which has no designation. There is no mechanism either illustrated such as easements or written such as plat notes indicating how private access will be granted through the onsite transportation network. Typically, there would be a note stating all "Loop Road and all Lanes are private roads". With final plat applications the materials shall provide notation or easement illustrating access ownership and conveyance, [Condition 16].

10-36-2-5: Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.

A. Street right-of-way and pavement widths shall be based on the following cross section standards. See individual zoning chapters for additional requirements regarding sidewalk width (for sidewalks wider than the standard 5 feet).

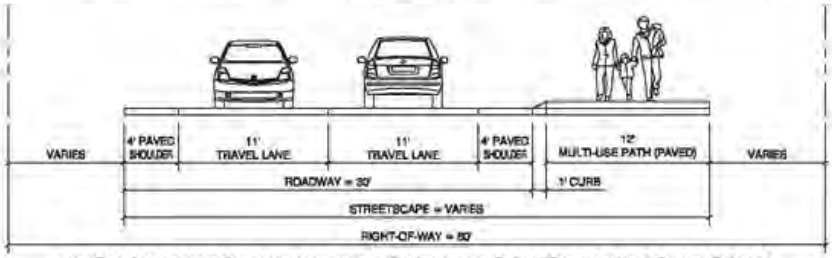
There are three transportation projects identified in the TSP for the Rhododendron Dr. frontage of the proposed project, PRJ-17D, MU-1B, and B-4. There is a nexus for the first two, constructing the arterial cross-section and constructing a separated multi-use path. B-4 is for bicycle related tourism.

Refer to 10-36-2-2 c, above.



RHODODENDRON DRIVE: 9TH STREET TO HECETA BEACH ROAD **
(STANDARD SECTION WITH SEPARATED PATH)

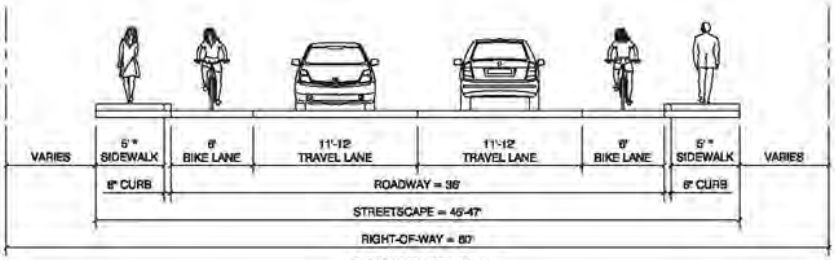
* WHERE PHYSICAL SPACE DOES NOT ALLOW A 4' SEPARATION, A VERTICAL CURB, BARRIER, OR RAIL SHOULD BE USED TO SEPARATE MOTOR VEHICLE TRAFFIC AND THE MULTI-USE PATH AS SHOWN IN ALTERNATE SECTION BELOW.
** PER RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN (JAN 2008).



RHODODENDRON DRIVE: 9TH STREET TO HECETA BEACH ROAD *
(ALTERNATE SECTION WITH RAISED PATH)

* PER RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN (JAN 2008).

The applicant proposes adding 5' of sidewalk, 7' of roadway and right-of-way dedication for ADA transitions to 35th St. This proposal exceeds the below cross section, as 15' of travel lane may be too wide. Prior to submittal of construction plans for review and approval by the Public Works Director the applicant shall coordinate with the City on street cross-section proposals, [Condition 17].

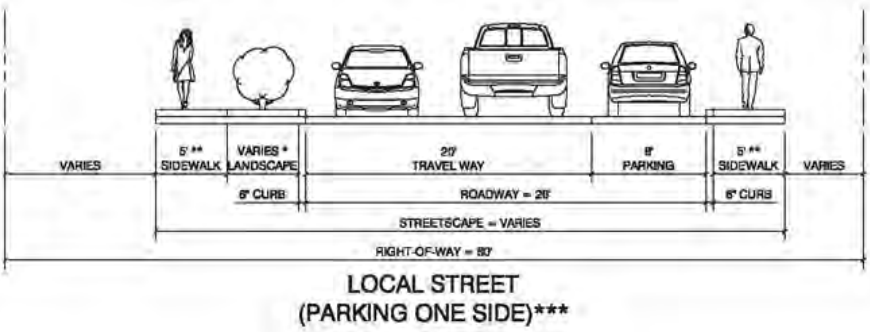


COLLECTOR
(NO PARKING)

* ALL DOWNTOWN STREETS TO HAVE 6' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.

The applicant proposes adding 5' of sidewalk, 6' of bike lane and 3' of right-of-way dedication for these improvements to Siano Loop. This road was platted at 40' width in the 1970's and does not meet current dedication standards. The development's CCRs do not permit on-street parking. The HOA is defunct. The proposal meets City standards for local streets. Prior to submittal of construction plans for review and approval by the Public Works Director the applicant shall coordinate with the City on street cross-section proposals, [Condition 17].

The applicant proposes to construct a private local roadway, Loop Road, through the development. The proposed right-of-way width varies from 45' to 37' depending on the availability of parking. The proposed streetscape that includes parking exceeds the below local streetscape dimensions, with 20' of travel lanes, 5' of sidewalks on both sides and a 3' landscape strip on each side. The cross section without parking does not meet the standards due to the absence of a parking lane. Where this cross section is used is in the area of pedestrian crossings and project entry and so appropriate. The total right-of-way width is not met. The applicant will need to consult with the utility providers to coordinate location of cable, power, and phone service, which are typically located in the remaining area. Modifications to street standards for right-of-way width are available below.



LOCAL STREET
(PARKING ONE SIDE)***

* OPTIONAL LANDSCAPE WIDTH AND LOCATION MAY VARY AND IS TO TO BE DETERMINED BASED ON PHYSICAL AND BUILT ENVIRONMENT.
** ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.
*** REQUIRES APPROVAL BY CITY TRAFFIC ENGINEER.

B. Modifications to the street standards identified in section A, above, may be made pursuant to Title 11 Chapter 7. Considerations based on the existing conditions along with the following factors would be reviewed as part of determining a hardship or meeting the purpose of Title 11:

1. Street classification in the Transportation System Plan

2. Anticipated traffic generation

3. On-street parking needs

4. Pedestrian and bicycle requirements based on anticipated level of use

5. Requirements for placement of utilities

6. Street lighting

7. Minimize drainage, slope, and sensitive lands impacts

8. Street tree location, when provided

9. Protection of significant vegetation, as provided for in Chapter 34

10. Safety and comfort for motorists, bicyclists, and pedestrians

11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided

12. Access needs for emergency vehicles

13. Transition between different street widths (i.e., existing streets and new streets)

14. Driveway Off-sets

15. Curve Radii

16. Queuing Factors

The project includes a variation in Loop Road's right-of-way width from the standards set by code. The project is utilizing the PUD process which permits a relaxation in the code standards. The proposal does include street lighting, pedestrian access on both sides of the street, street trees, street furnishings in adjacent open space tracts, no driveway curbcuts, and on street parking. There are no concerns for radii at the two curves and more than one egress is provided from the site. The applicant will need to consult with the utility providers to coordinate location of cable, power, and phone service, which are typically located in the remaining right-way area.

C. Partial street improvements may be accepted only in the case of a collector or arterial street and only when requiring a full-width street improvement cannot be justified based on the proportionate impact of the development on the transportation system. Where a less than full street is allowed, the minimum total paved width shall provide for two travel lanes, and for bicycle lanes if warranted.

Partial street improvements are not proposed.

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 project includes alley (labeled as 'lanes') access for all of the single family attached and detached dwellings measuring 20' wide with 16' of pavement. The lanes do not intersect with one another, have sharp changes in alignment or exceed 12% grade. The Siuslaw Valley Fire and Rescue has not indicated a need for a radius greater than 12%. Criteria are met.

10-36-2-8: Private Streets: Private streets shall conform to City standards of construction and shall include sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter or the Transportation System Plan. Legal assurance for construction and maintenance shall be required of the developers and owners. Private streets shall connect with public streets to complete the City's transportation system grid where practical.

The proposed private street has been designed to conform to City standards of construction and will include sidewalks. There are no planned connections through this development to public streets. The revised master plan approved in 2005 for this property required vehicular connection through what is now Wisteria to Royal St. George. This opportunity is no longer available with the platting of that land. The criteria are met.

10-36-2-10: Block Length and Block Perimeter: In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway):

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

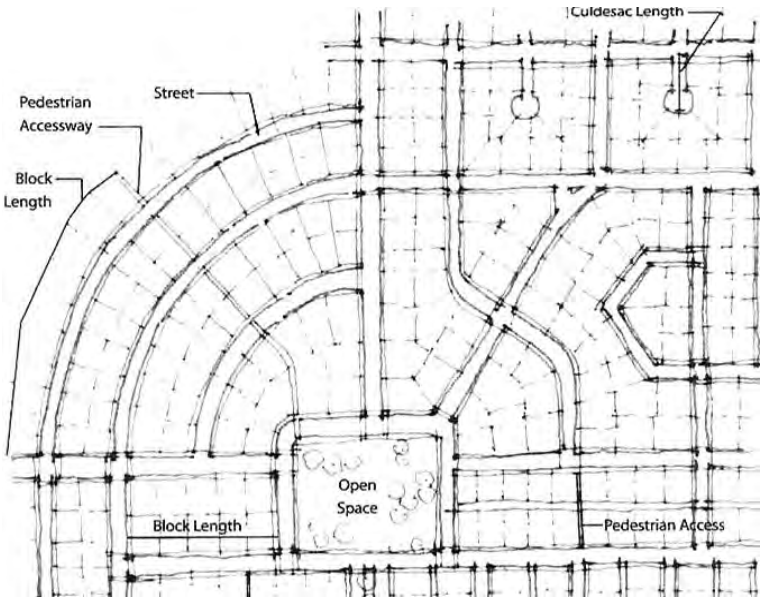
B. Old Town and Main Street Districts: Block lengths shall be consistent with the existing town

plat, as of June 2009.

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

D. Not applicable to the Industrial Districts

Figure 10-36(2): Street Connectivity and Formation of Blocks



The project is located within a Residential District and has a maximum block length of around 550 feet along Lane C (longest block) with a perimeter of that same block of around 1,250 feet. There are no block lengths less than 100'. This criterion is met.

10-36-2-11: Traffic Controls:

A. Traffic signals/roundabouts shall be required with development when traffic control warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. Traffic signal/roundabout design shall be approved by City Engineer. The developer's financial responsibility and the timing of improvements shall be included as part of the development approval.

B. Traffic controls on roads under State jurisdiction shall be determined by the Oregon Department of Transportation. Traffic controls on roads under Lane County jurisdiction shall be determined by Lane County.

C. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

D. Where the City TSP identifies future traffic signals, additional right-of-way shall be provided at the intersection to accommodate the signal apparatus.

The application includes a Traffic Impact Analysis (TIA) performed by Kittleson and Associates that concluded no traffic controls were warranted, (Exhibit G). The TIA was peer reviewed by Jim Hanks, PE. His conclusions are attached to this report and include several concerns for the analysis:

1. Timing of traffic counts was performed, December 4, 2019, the week after Thanksgiving, a typically unacceptable time of year that seasonal adjustments will not necessarily account for.
2. Utilizing ODOT's traffic growth projections for Highway 101 on a project using city streets is problematic. ODOT's projections do not account for development growth but rather illustrate traffic trend data.
3. Not all right and left turns off of 35th and Rhododendron Dr. were evaluated. Oak St. is one notable miss.

For these reasons accurate peer review analysis of Kittleson's conclusion on the need for traffic controls cannot be ascertained. The TSP does not predict any traffic controls being needed at the intersection of 35th and Rhododendron Dr. such as a roundabout or signal, there could be the need for one or more stop signs or some other feature. There are no roadways under county or state jurisdiction being suggested by the applicant, peer reviewer or even ODOT as needing traffic controls.

The applicant provided staff with an updated TIA (Exhibit G1). This study is currently under peer review as of the writing of this FOF.

The project is divided into two phases. In conjunction with application for Final Plat for the second phase the TIA shall be updated using traffic projection methodology that accounts for this project's phases, other approved projects in the transportation corridors being reviewed and is consistent with the TSP methodology used, [Condition 11].

10-36-2-12: Medians: The use of landscaped medians improve community appearance, helps maintain system mobility and reduces the effects of wide street widths to all modes of travel. Medians will be landscaped with water efficient plant materials unless otherwise indicated below.

A. At intersections where left turn pockets are constructed, the 16-foot wide median will transition to an 11-foot wide left turn lane with a five-foot pedestrian refuge median separating the left turn lane from oncoming traffic. Intersections and access must comply with Chapter 35, Access and Circulation.

B. Medians on roads under State jurisdiction shall be determined by the Oregon Department of Transportation.

This project does not have include any intersections using left turn pockets. This criterion is not applicable.

10-36-2-13: Street Alignment, Radii:

A. On Arterial and Collector Roadways, intersections shall be spaced at a minimum of 250 feet, as measured from the centerline of the street.

The intersection spacing between the northern Loop Road entrance and Coast Guard Road is approximately 360' and around 350' between the southern Loop Road entrance and 35th St. The two intersections of Loop Rd. with Rhododendron Dr. are approximately 275' apart. This criterion is met.

B. On Local Streets, street centerlines at intersections may not be offset by more than two feet. Intersections shall be spaced at a minimum of 125 feet, as measured from the centerline of the street.

There are two 4-way intersections along Loop Road within the development, Lanes I and A and Lanes C and H. In reviewing the plat the north-south orientations of these two intersections appear to be offset more than 2'. There are nine intersections within the development. Of these, two sets are located closer than 125' apart, Lanes A and B and C and D. The applicant is requesting an exception through the PUD process.

C. Corner curb return radii shall be at least thirty-five (35) feet on Arterial Streets and at least twenty (20) feet on other streets, except where smaller radii are approved by the Public

Works Director. Larger Radii may be required by the Director to accommodate emergency and freight vehicles.

The corner curb return radii were not provided on the plans or plats. The application includes simulations of fire truck turning at intersection on C5. Final plat materials shall indicate the corner curb return radii meeting city code standards, unless modified by the Public Works Director. [Condition 18]

10-36-2-14: Intersection Angles: Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case shall the centerline angle be less than 80°; elbow or knuckle corners are not allowed (see Figures 10-36(3) and (4) for illustrations). In addition, the following standards shall apply:

A. Streets design shall provide a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way unless a lesser distance is approved by the Public Works Director (see Figure 10-36(5) for illustration).

B. Intersections that are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle.

Figure 10-36(3): Street Intersection Angle

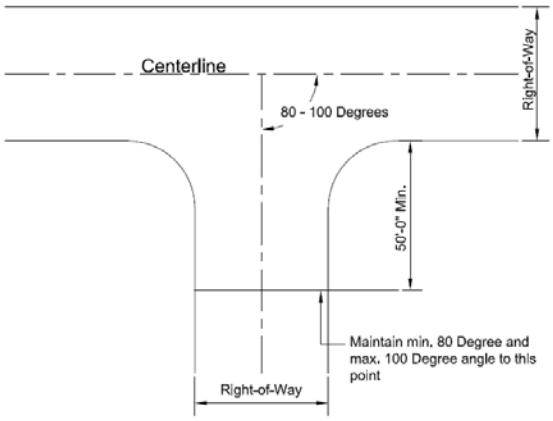


Figure 10-36(4): Elbow and Knuckle Corners are Prohibited

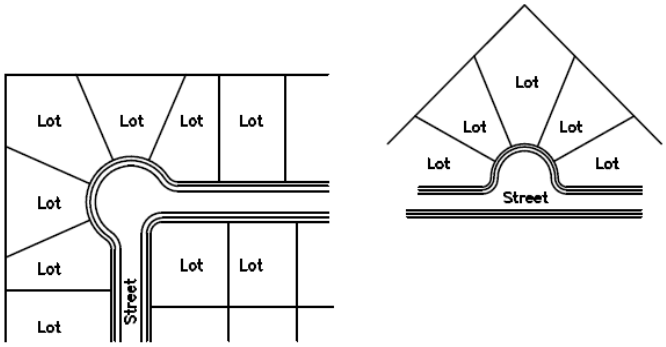
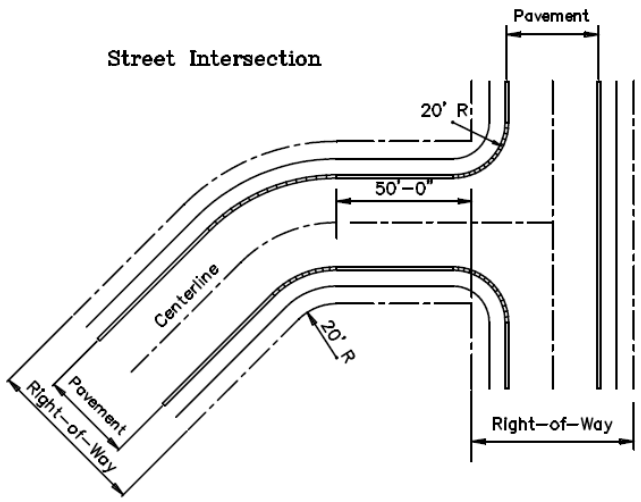


Figure 10-36(5): Street Intersection



All of the streets intersect at or near right angles at the intersections All but four of the thirteen proposed street intersections provide a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way. Loop Road provides a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way of Rhododendron Dr. Lanes G and D serve 8 houses each and do not have the 50' of straight centerline…and neither do the northern intersections of Lanes A and C, although C is very close. The applicant is requesting an exception to the criteria using the PUD application.

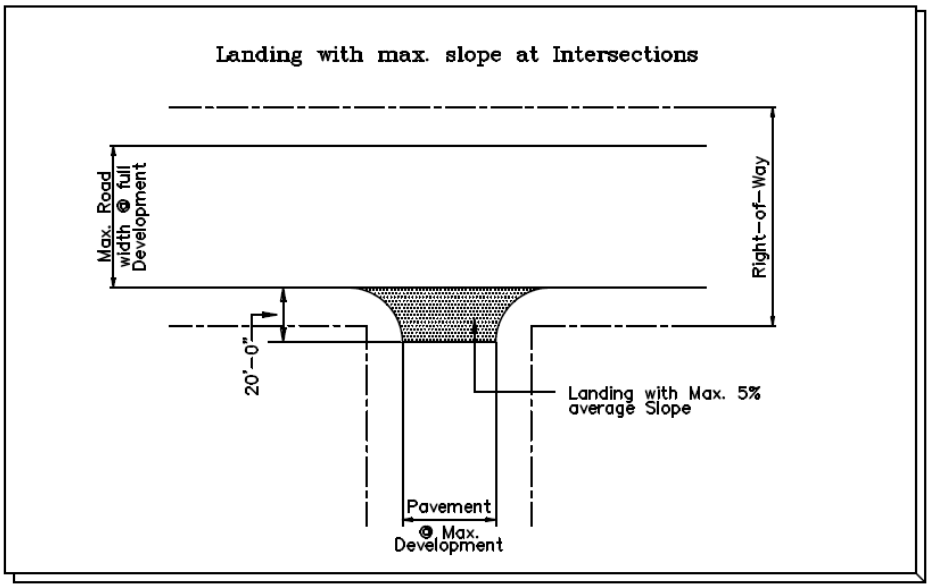
10-36-2-15: Grades and Curves: Unless otherwise approved by the City due to topographical conditions, grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on all other streets. Grades in excess of 10% require Fire Code Official approval.

A. Centerline curve radii shall not be less than 700 feet on arterials, 350 feet on collectors, or 100 feet on other streets.

B. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging 5% slope or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement. See Figure 10-36(6) for example.

C. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be subject to the approval of the Public Works Director.

Figure 10-36(6): Street Intersection Landing



As shown on the Grading and Erosion Control Plan (Sheet C-7 in Exhibit H), grades will not exceed 12 percent on the proposed streets. The internal circulation system consists of a private street loop and private alley system. The private loop road will have a centerline curve radius of 60 feet in one location. The intersection of the private street with Rhododendron Drive will have a landing that does not exceed five percent slope. These criteria is 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 application includes sidewalks and planter strips in accordance with the City's design standards within their development and along 35th St. and Siano Loop. Rhododendron Dr. has been conditioned to meet the City' standards.

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 proposal includes right-of-way dedications along 35th St. and Siano Loop. 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:

A. Curb exposure shall be per City Standards and Specifications.

B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.

C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.

All proposed curbs have been designed to meet the City of Florence Standards and Specifications and are consistent with the requirements of this section.

10-36-2-19: Street Names: The developer shall submit proposed street names to the City of Florence Community Development Department for review and submittal to the Lane County Road Naming Committee for approval prior to recording final plat. No new street name shall be used that duplicates or could be confused with the name of an existing street in the County. Street names shall be in conformance with FCC 8-2-1-1.

The applicant is delaying submittal of street names until Final Plat. The names provided shall meet the standards in FCC Title 8 Chapter 2 Section 1-1.

10-36-2-20: Survey Monuments: Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been re-established.

10-36-2-21: Street Signs: The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developer and shall be installed as part of the street system developed and approved through the land use process. Signs shall be installed by developers per City of Florence Standards and Specifications.

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

10-36-2-23: Street Light Standards: Street lights shall be provided in all developments within the City and shall be provided in accordance with Resolution 16, Series 1999. The Planning Commission during site design review may add street lights at other locations and authorize specific exceptions to the above priorities when necessary in order to enhance the public safety and welfare; actual locations may be varied slightly depending on placement of Central Lincoln PUD poles. Streetlights shall be installed in accordance with City of Florence Standards and Specifications. Where a private street intersects a public street, a street light shall be installed.

The applicant's proposal meets or will meet these criteria upon Final Plat approval.

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.

A Composite Utility Plan (Sheet C-8 in Exhibit H) was provided under Appendix E which illustrates the proposed sewer, water and storm water design for the site and how the developer plans to connect to the City's existing mains. No streets are proposed to stub for future development. This criterion is met.

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.

The Public Works Director recommended looping the dead-end water lines within 15' wide easements in Lanes D, E, F, and G. The proposed layout does not accommodate the recommendations. In conjunction with utility construction plan review and approval by the Public Works Dept. the applicant shall provide a blow-off/air release valve assembly at the end of each line, if required, [Condition 19].

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.

The subject site is traversed by existing drainage channels. The stormwater management plan and utility plan include rerouting and piping this system maintaining the existing outfall. No new flows are proposed for this rerouted system. Oversizing of utilities is not required. The requirements of these criteria are not applicable.

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.

The proposed development application states it will conform to the applicable provisions of the Oregon Fire Code. Verification of existing and proposed water service mains and hydrant flow supporting the site will be required to be submitted for review and approval by the Building Official and Fire Marshall. [Condition 20].

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.

The site can be adequately served by the existing water, sewer and stormwater system. This criterion is met.

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.

The applicant shall apply and receive required state permitting prior to the site disturbance, [Condition 21].

10-36-5: UTILITIES:

A. Underground Utilities:

1. <u>Generally.</u> 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. <u>Subdivisions.</u> 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.

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.

All new utility lines will be located underground, as shown on the Composite Utility Plan (Sheet C-8, Exhibit H). This criterion is met.

10-36-6: EASEMENTS:

A. Provision: Dedication of easements for storm water, sewers, water and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title. Easements for utility lines shall be not less than fifteen feet (15') in width and the utility shall be located in the center of the easement. Before

a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require an additional five foot (5') easement for utility lines along street frontages when necessary.

B. Recordation: As determined by the City all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat.

Easements are proposed on the plat application materials for all public utilities on site. All proposed utility easements have been shown on the Composite Utility Plan (Sheet C-8, Exhibit H).

10-36-7: CONSTRUCTION PLAN APPROVAL AND ASSURANCES:

A. Plan Approval and Permit: No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City Public Works Director, permit fee paid, and permit issued.

B. Performance Guarantee: The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements.

Prior to construction of streets or utilities an engineered construction plan shall be submitted for review and approval by the Public Works Director, [Condition 22].

10-36-9: PARKLANDS:

A. Purpose: For the purpose of promoting health, safety, and the general welfare of City residents, this section provides for the provision of parkland for recreational opportunities and/or open space for passive recreational use for Florence residents. The parkland provision serves the following specific purpose:

1. To address the Community Needs identified in the Florence Parks and Recreation Master Plan (Master Plan) and to ensure that park land and open space are provided to meet the needs of residents of new residential developments.

B. Parklands:

1. Developers are encouraged to work with the City to identify parkland facilities proposed in their service area. If the City has an interest in acquiring a portion of a proposed land division or development, or if the City has been advised of such interest by another district or public agency, and there is reasonable assurance that the steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

2. Areas smaller than one acre for new public parkland is generally impractical. If less than one acre of public parkland is proposed, the dedication should add on to an existing park area within or adjacent to the development site or provide some special public benefit acceptable tot eh city such as a trail connection.

C. Standards for Parkland:

1. **<u>Ownership and Maintenance Requirements.</u> Land provided for parkland shall be owned and maintained in one or more of the following ways:**

   a. **Dedicated to, and accepted by, the City;**
   b. **Privately owned, developed, and maintained by the property owner or Home Owners Association;**
   c. **Owned and maintained by a land conservation entity, such as The Nature Conservancy;**
   d. **Accessible to the public through a public easement**

Figure 4.4 in the Community Park Service Areas Map within the Parks and Recreation Master Plan (EXHIBITJ) illustrates the proposed development is served by a nearby community park. Figure 4.5 illustrates the proposed development is served by Rolling Dunes and Pepperoaks Parks. The proposal includes private parks and recreational amenities to be owned, maintained and used by the residents.

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.

This proposed project is adding dwelling units to vacant parcels of land and is subject to this chapter.

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.

The application includes a photometric plan on Sheet C6 for the entire site that includes the location of each type of luminaire. The Key Notes include the number of lights, their wattages, lumen output, and mounting heights. Imagery of the luminaires was not provided. Inspiration for their exterior pole lighting fixtures is on Sheet L4 in EXHIBIT E. This criterion is met.

10-37-4: LIGHTING STANDARDS:

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.

The application proposes use of four lighting styles throughout the development. Three of these are illustrated below. The pole light is full cut-off and the garage round downlight not pictured is presumed to be mounted flush in the ceiling and thus shielded. These two meet the criterion. The garage doors of the attached and detached single family units and the northern multi-family complex parking area are proposed to have the unshielded wall pack illustrated below to the right. The lumen output exceeds the amount permitted under the exceptions section below. A shielded version is also illustrated below and is acceptable. The open space areas and ped-ways are proposed to be illuminated with the bollard illustrated in the middle below.

The outward illumination of the bollard creates glare and thus is not permitted under the exclusions and so not permitted. There are a number of dark sky compliant bollards of similar design and even more complimentary with the proposed street lighting. The WKP Wal-Pak and Lightwave ULW-10874 bollard lighting shall be replaced with full cutoff fixtures. A revised photometric plan shall be provided for review and approval in conjunction with applications for the first of either the Final PUD or building permits, [Condition 23].

B. Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.

There are two parking areas: northern multi-family and southern multi-family. The parking within the loop road and within the detached single-family dwelling lots is not reviewed under this criterion as they have other sections more applicable to them.

The northern development parking spaces are located entirely under the buildings and have illumination ranging from 14.2 to 1-foot candles. The southern development provides parking mostly under the buildings but there are three groups of three parking spaces each located between the two buildings. Illumination ranges from 8.6 to .6-foot candles. In both cases they exceed the maximum 5 foot-candles permitted over parking spaces and 7 foot-candles permitted by the DRB under the light fixture. Given the proximity of adjacent residential dwellings next to the multi-family structures that would not be permitted except for the PUD designation less than 2 foot-candles would be acceptable. For this same reason the lighting should not exceed the maximums provided. The lighting plan shall be revised to provide no greater than 5 foot-candles over parking spaces and walkways and no greater than 7-foot candles directly under light fixtures, [Condition 24].

C. Lighting in or adjacent to residential zones or residential uses shall not exceed twenty feet in height as measured from the adjacent grade to the top of the light fixture. Heights in other zoning districts shall not exceed 25 feet unless the Design Review Board adopts findings that the higher light fixtures are necessary to achieve proper illumination levels.

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.

E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.

F. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination is restricted to the sign face and glare is eliminated.

G. Lighting for roadway signs and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

The application proposes light mounting heights of 16', 12', 10' for the two types of pole and round downlights in the multi-family garages. Mounting heights for the garage Wal-Paks are not provided. Since they are proposed on both the northern multi-family structure and the single family structures the heights likely vary. Light mounting heights shall be no greater than 20', [Condition 25]. There are no commercial, institutional, industrial uses or lighting for roadways proposed. There is bollard lighting for pedestrian ways proposed that does not meet the criteria in "G" above and is conditioned to earlier in this section.

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.**

The lighting proposed for the residential uses does not meet the lumen outputs listed above and therefore are not excepted.

10-37-6: PROHIBITIONS:

A. Laser Light Source. The use of laser source light or any similar high intensity light for exterior advertising or entertainment is prohibited.

B. Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies is prohibited.

C. Blinking & Flashing Lights. All blinking and flashing lights except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights are prohibited.

D. Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial districts; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line; and, such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the City of Florence Sign Code.

None of the lighting sources mentioned above are proposed. Criteria are met.

TITLE 9: UTILITIES

TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT REQUIREMENTS

9-5-1: GENERAL PROVISIONS

9-5-1-1: PURPOSE
The purpose of this Code is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with existing and future land development within the City. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the negative effects of development on the existing stream channels, assist in the attainment of water quality standards, help protect the quantity and quality of the water in the aquifer, enhance and protect the natural environment associated with the drainage system, and facilitate orderly development while mitigating the associated impacts of development.

…This Code defines the minimum requirements for stormwater management facilities. Additional requirements may be required by the City if the minimum requirements will not satisfy the overall purpose of this Code.

The proposed PUD development requires use of on-site stormwater management facilities supported through the findings of an engineered stormwater management plan for the project. The project is located in the most downstream subbasin of the Northwest Basin. The properties in the adjoining Sea Watch Basin west of this development have suffered known river bank failures due to surcharges of ground water. The applicant proposes the use of infiltration, soakage trenches and dry wells for roof run-off. No detention systems are proposed. Due to the location of the project near known areas of hydrology concerns additional requirements to include analyses, testing and conditions of approval may be required to satisfy the overall purposed of this code. Stormwater has been conditioned later in these FOF.

9-5-1-6: PUBLIC STORMWATER SYSTEM:
A. Storm drainage and management facilities may or may not be publicly owned and maintained.

B. The City Manager or his/her designee may require that a stormwater facility that serves more than one property be a public facility provided the easement and maintenance requirements of this Code are satisfied.

The existing drainage facility on-site that serves the golf course and residential golf course associated properties north of the property is proposed to be rerouted. The proposed plans do not illustrate the intent for this system to be public or private.

C. Storm drainage and management facilities within a Planned Unit Development (PUD) may or may not have a publicly owned and maintained system. Generally, if the City owns and maintains the roads and there is free ingress and egress from the community (not gated), then the City may own and maintain the stormwater system provided the easement and maintenance requirements of this Code are satisfied. Ownership of the PUD stormwater system shall be established prior to the issuance of construction permits.

The proposed plans do not illustrate whether the PUD roadway drainage system will be public or private. The roof drains systems will be private facilities. Ownership of the stormwater system shall be established prior to the issuance of construction permits for the utilities. (Informational 1)

9-5-1-7: EXTENSION OF PUBLIC STORMWATER SYSTEM:

A. If necessary or required, the public stormwater system shall be extended up to and through to the most distant up gradient and down gradient parcel boundary(ies) to accommodate current and future flows entering or exiting the property. Consideration and accommodation shall be made for all existing drainage routes. Except as otherwise provided, the extension of the public stormwater system to serve any parcel or tract of land shall be done by and at the expense of the property owner(s) or applicant. The City may require that a stormwater system that serves more than one property be a public system.

The stormwater drainage plans provided have been conditioned. Ownership is discussed earlier.

9-5-2: DRAINAGE PLAN SUBMITTAL REQUIREMENTS:

9-5-2-1: GENERAL:

A. A Drainage Plan is required for all development, except as provided in FCC 9-5-2-4. Submittal requirements are tailored to the size and impacts of the development. The submittal requirements are specified in the Stormwater Manual.

B. A registered Professional Engineer licensed by the State of Oregon shall prepare, certify, and seal the Drainage Plan whenever a Professional Engineer is required in the Stormwater Manual or state law. Furthermore, prior to land disturbing activity, the developer for the land disturbing activity shall certify that the proposed activities will be accomplished pursuant to the approved plan.

C. If a land use approval is required, the Drainage Plan shall be submitted and approved as part of the land use approval process. If no land use approval is required, the Drainage Plan shall be submitted as part of the application for a construction or facility permit.

A stormwater drainage plan prepared by an engineer was provided by the applicant for this application. The plan has been peer reviewed by the City's engineer, Civil West Engineering Services, Inc. (Exhibit O). Given the history of the area as it relates to its proximity to the Siuslaw River and the concern of the adjoining Sea Watch HOA and its residents, the conclusions by Civil West was shared with the applicant and another

independent fir, Water Solutions, Inc,, who reviewed the applicant's plan and Civil West's comments (Exhibit P). The final conclusions from these reviews are as follows:

"At this point, we suggest the most straight forward approach is to require the developer to design the storm water infiltration system so that there is no net increase of infiltration post-development. Specifically, the developer would estimate the amount of storm water runoff that currently occurs from the property, and design the storm water collection system to match or even exceed that amount. If it can be demonstrated that less storm water would infiltrate under the proposed development than under current conditions, then spring flows would not increase as a result of the project. In fact, it could be argued that the project may improve the condition that has the Home Owners Association concerned."

In light of the observations provided in the above referenced review, the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist that can bring a better understanding of all the factors in play, [Condition 30].

9-5-3: STORMWATER DESIGN CRITERIA:

9-5-3-1: GENERAL:

A. The criteria in Section 9-5-3 shall be used in the design of public and private stormwater drainage and management systems. Stormwater management facilities shall be constructed in accordance with the Stormwater Manual: the 2008 Portland Stormwater Management Manual, as superseded by the December 2010 City of Florence Stormwater Design Manual; and the 2008 City of Portland Erosion and Sediment Control Manual.

9-5-3-2: STORMWATER QUANTITY (FLOW CONTROL):

A. A 25-year, return period storm shall be used for the design of all private and public stormwater drainage systems.

B. Onsite stormwater management facilities shall be required to prevent the post-development runoff rates from a project site from exceeding the pre-development runoff rates from the site, based on a 2 through 25-year storm. Exemptions to this requirement may be approved by the City Manager or his/her designee if it is determined that a more effective solution is available and that downstream capacity will accommodate the increase in flow.
C. Each new development project is responsible for mitigating its impacts on the stormwater system. This mitigation requirement can be satisfied through the use of any of the following techniques, subject to the other limitations identified by this Code:

1. Construction of onsite facilities to limit the flow rate of stormwater runoff leaving the development site, in accordance with the Stormwater Manual.

2. Enlargement or improvement of the down gradient conveyance system in accordance with the requirements of this Code and the City of Florence Stormwater Management Plan.

D. The development of any land requiring a Drainage Plan shall address onsite and off-site drainage concerns, both up gradient and down gradient (a minimum of 1/4-mile) of the project, including:

1. Modifications to the existing onsite stormwater drainage and management facilities and drainage patterns shall not restrict or redirect flows creating backwater or direct discharge onto off-site property to levels greater than the existing condition unless approved by the affected off-site property owners and the City. Proof of off-site property owners approval shall be provided by having the affected property owner(s) sign an easement identifying the location of the backwater storage

or impoundment area. This area shall be clearly shown on the submitted Drainage Plan site sheet(s). The easement shall be in a form approved by the City and recorded with the Lane County Deeds and Records Office.

2. Stormwater facilities shall be designed and constructed to accommodate all flows generated from the project property in accordance with the land use zoning as shown in the most recent approved City Code.

3. Capacity of the downstream drainage system to determine if increases in peak flow rates resulting from the proposed development can be accommodated.

E. The types of stormwater management controls presented in the Stormwater Manual are available for owners and developers to use in satisfying the pre-developed and post-development runoff requirement. More than one of these types of controls may be needed to satisfy the runoff requirement. In areas where the runoff requirement in Section 9-5-3-2-F are exempt or partially exempt, the City may require improvements to the down gradient conveyance system.

A stormwater drainage plan prepared by an engineer was provided by the applicant for this application. The plan has been peer reviewed by the City's engineer, Civil West Engineering Services, Inc. (Exhibit O). Given the history of the area as it relates to its proximity to the Siuslaw River and the concern of the adjoining Sea Watch HOA and its residents, the conclusions by Civil West was shared with the applicant and another independent fir, Water Solutions, Inc,, who reviewed the applicant's plan and Civil West's comments (Exhibit P). The final conclusions from these reviews are as follows:

"At this point, we suggest the most straight forward approach is to require the developer to design the storm water infiltration system so that there is no net increase of infiltration post-development. Specifically, the developer would estimate the amount of storm water runoff that currently occurs from the property, and design the storm water collection system to match or even exceed that amount. If it can be demonstrated that less storm water would infiltrate under the proposed development than under current conditions, then spring flows would not increase as a result of the project. In fact, it could be argued that the project may improve the condition that has the Home Owners Association concerned."

In light of these observations, the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist that can bring a better understanding of all the factors in play, [Condition 30].

9-5-3-3: STORMWATER QUALITY:

A. Stormwater management facilities to treat stormwater are required for certain types of projects. These water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan and for other projects as required by this section. Stormwater management facilities required for development shall be designed, installed and maintained in accordance with the Stormwater Manual, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the Stormwater Manual.

B. Water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan.

C. Projects located in the Zones of Contribution must have pre-treatment facilities prior to infiltration facilities as prescribed in the Stormwater Manual. When a wellhead protection plan is developed and adopted by the City, this specific requirement may be rescinded or modified by the City.

D. The water quality design storm shall be based on an intensity of 0.25 inches per hour, or 0.83 inches for a 24-hour SCS Type 1A rainfall return event.

E. Water quality facilities must be designed to prevent damage to the facility for flows exceeding the water quality design storm and to ensure no re-suspension of pollutants, consistent with the Stormwater Manual.

G. The types of stormwater management facilities presented in the Stormwater Manual are available for owners and developers to use in satisfying the stormwater quality requirement. More than one of these types of facilities may be required to satisfy this requirement.

The application includes stormwater quality treatment for the vehicular surfaces but not roof drainage. This is acceptable. The roadway drainage is being routed to a soakage trench along Rhododendron Dr. on-site.

9-5-5: EASEMENTS:

9-5-5-1: PUBLIC FACILITIES:
A. Public facilities must have an easement, tract, or right-of-way granted to the City to provide for the inspection and maintenance of the drainage system and stormwater management facilities. A minimum of 7-1 /2 feet is required along each side of the centerline of stormwater pipes and culverts. A fifteen-(15) foot wide access is required around the perimeter of stormwater management facilities (ponds, wetlands, infiltration facilities, etc). A fifteen-(15) foot wide easement with a minimum 10' wide access road located within the easement shall be provided when the public facility does not front a public road. Increased easements/improvements may be required on a case-by-case basis depending upon the unique drainage situation or facility maintenance requirements.

The application includes easements for some utilities. Any public stormwater facilities must have easements as required under FCC 9-5-5-1.

9-5-5-2: PRIVATE FACILITIES:
A. Private facilities must be placed in an easement, tract, or right-of-way that allows for the maintenance of these facilities in accordance with the Operations and Maintenance Agreement.
B. The City may determine that certain privately owned facilities are critical components of the overall stormwater system. In these situations, the City shall be granted perpetual, non-exclusive access that allows for public inspection. The access shall be defined in accordance with the requirements for a public easement, tract, or right-of-way.

All of the stormwater facilities are proposed to be located in Tracts, easements or rights of way. This condition is met. If the Public Works Director determines the private facilities are critical to the neighboring stormwater system an easement may be necessary.

TITLE 11: CHAPTER 1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

11-1-1: PURPOSE: The purpose of this Title is:

- **A. To provide rules, regulations and standards to govern the approval of subdivisions and partitions of land and to carry out the development pattern and plan of the City.**
- **B. To promote health, safety and general welfare; lessen congestion in the streets; secure safety from fire, flood, pollution and other dangers; provide adequate light and air; prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, parkland, multi-use paths and trails, recreation and other needs of the people of the City; to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval.**

11-1-2: APPROVAL OF LAND DIVISIONS:

A. No person shall dispose of, transfer or sell any lot or parcel of land in a partition with respect to which approval is required by this Title until such approval is obtained.

B. No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for subdivisions under the provisions of this Title until such approval is obtained.

C. No persons shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any subdivision with respect to which approval is required by this Title until such approval is obtained, and the plat thereof has been acknowledged and recorded with the County recording officer.

[…]

11-1-5: REPLATTING OF SUBDIVIDED LANDS: Replatting of an existing, but undeveloped, subdivision shall follow the following procedures:

A. The applicant shall apply to the City for vacation of existing rights of way as applicable, unless proposed streets and/or common open space of equal area is dedicated to the City as public easements. (Ord. 1, Series 1992). B. The applicant shall apply to the City for partition or subdivision approval as applicable according to the provisions of this Title. (Ord. 669, 5-17-82)

The subject property contains all of Lot A in the Siuslaw Village subdivision. This Lot was not developed out as proposed. No existing rights are required to be transferred. The proposed Tentative Plat aims at incorporating this lot as a replat into a new subdivision of which name is yet to be determined. The final plat draft shall contain a plat name that conforms with this Title, Additionally, the name of the proposed private drive shall be named in accordance with FCC Title 8, Chapter 2 Street Naming and Numbering, Subsection 1-1, [Condition 28].

FCC 8-2-1-1SYSTEM ESTABLISHED: There is hereby established a uniform system of numbering all houses and buildings fronting on all streets, avenues, alleys and highways in the City, and allowing for future growth within the City.
Where practicable all north-south streets through the City shall be named with the names matching the coastal theme of our region: aquatic sea life, native plants, or historic names of local events or people; and where practicable all east-west streets through the City shall be in numerical order.

11-1-6: FEES:

A. Application Fee: In order to cover the actual processing costs connected with the application for tentative plan approval of partitions and subdivisions, the applicant is required to submit a filing fee based on average processing costs along with the application, which fees shall be established by resolution of the Common Council.

B. Administrative Fee: In order to defray the administrative costs connected with reviewing and processing land divisions or adjustments of lot lines, the City shall collect a fee according to a schedule adopted by the City Council. This fee will be collected in connection with the following: Lot Line Adjustments Partitions Subdivisions Planned Unit Developments

The applicant has supplied all the required fees, (EXHIBIT B).

TITLE 11: CHAPTER 3: SUBDIVISION TENTATIVE PLAN PROCEDURE

11-3-1 : APPLICATION: An application for tentative plan approval shall be made by the person proposing the subdivision, or his authorized agent or representative, on a form prescribed by the City and submitted

to the Planning Director, together with two (2) full-size copies, one (1) reduced copy of 11" x 17" or smaller, and an electronic copy of a subdivision tentative plan.

Application for the proposed Tentative Subdivision plat packet was submitted on February 14, 2020 in accordance to this Section. The application was deemed "complete" on May 11, 2020. This criterion has been met.

11-3-2: TENTATIVE PLAN REQUIREMENTS:

A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.

The application packet for this Tentative Subdivision was submitted February 14, 2020. The application was initially incomplete and was noticed on March 13, 2020. The applicant supplied **the requested item** outlined in the notice and the notice was deemed "complete" on May 11, 2020.

B Drafting: The tentative plan shall be submitted in both hard copy and electronic format and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (1) of any one of these scales.

The applicant has provided these plans in both formats. The scale used on the drafts varies, depending on the Sheet. This criterion has been met.

C. Tentative plans for subdivisions shall be proposed by a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor. An affidavit of the services of said engineer or land surveyor shall be furnished as part of the tentative plan submitted.

The application packet does not include an affidavit of services. An affidavit of services shall be provided in accordance to this criterion, [Condition 29].

D. Information Required: The application itself or the tentative plan must contain the following information with respect to the subject area:

1. Name and block numbering of proposed subdivision. Except for the words, "tow", "city", "plat", "court", "addition" or similar words, the name shall be clearly pronounced different than, the name of any other subdivision in the County unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.

The name of the proposed subdivision and internal loop street shall be provided for staff review and prior to Final Plat approval by the Planning Commission**,** [Condition 28].

2. The date, north point and scale of the drawing; a sufficient description to define the location and boundaries of the proposed subdivision area; and the names of all recorded subdivisions contiguous to such area.

The Tentative Subdivision contains the information above in all sheets located in Exhibit H. This condition has been met.

3. The names and addresses of the owner and engineer or surveyor.

The name of the owner, engineer and land surveyor is indicated on the Sheet C- 0, labeled "Cover Sheet" in Exhibit H.

4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.

The names and widths of existing and proposed streets have been labeled and shown in Exhibit H. The names of the owner, engineer and land surveyor are indicated on the Sheet C-0, labeled "Cover Sheet" in

EXHIBIT H.

5. The locations, names and widths of all existing and proposed streets and roads. Said roads and streets shall be laid out so as to conform to subdivisions previously approved for adjoining property as to width, general direction and in other respects unless it is found in the public interest to modify the street or road pattern.

A name for the proposed internal drive shall be provided to the Planning Department who will ensure that the name is not a duplicate and in keeping with named area streets per Title 10, Section 8-2-1-1, [Condition 28].

Lane B is not labeled on Sheet C-4 of Exhibit H. Lane B shall be labeled on as it is an access route from the private drive to Lot 22. Without it, Lot 22 would be an illegal lot, [Condition14].

6. Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.

EXHIBIT H indicates location and widths for the above. The applicant shall include reservations or restrictions in an instrument such as a Covenants, Conditions and Restrictions that is required for Final PUD approval, [Condition 9].

7. The elevations of all points used to determine contours shall be indicated on the tentative plan and said points shall be given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%

Sheet C-1 Of Exhibit H includes Note 9 “The Basis Of Bearings And Horizontal Positions: Oregon North State Plane Coordinate System NAD 83 (2011) As Measured And Outputted On The Oregon Coordinate Reference Frame, Oregon Coast Zone” & Note 10 the use of North American Vertical Datum of 1988 (NAVD88). One-foot contour intervals are provided throughout the site. These criteria are met.

8. The approximate grades and radii of curves of proposed streets.

Sheets C2.1-C2.5 of Exhibit H include the radii of curves of all curves. Sheet C7 includes the proposed grades.

9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.

These may be found in Exhibit H. This criterion is met.

10. The approximate radii of all curves

Sheets C2.1-C2.5 of Exhibit H include the radii of curves of all curves. This criterion is met.

11. The general design of the proposed subdivision including the approximate dimensions of all proposed lots and parcels.

EXHIBIT H details the lot dimensions of all lots and parcels. However, the square foot area of the Tracts is not labeled on each tract nor in a table. Please provide the square footage for these Tracts in conjunction with Final Subdivision submission.

12. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.

13.

C-1 illustrates the location of drainage areas via identification of culverts on site. Additionally, the wetland inventory identifies probable wetlands on-site which is supported via a wetlands analysis commissioned by Public Works in 2018 for relocation of a stormwater facility. A Revised Preliminary Stormwater Management Report (Exhibit F) was provided by the applicant and includes some information on current site conditions. This report is being peer reviewed and comments will be provided when available.

14. The existing and proposed uses of the property including the location of all existing structures that the applicant intends will remain in the subject area.

Sheet C-1 in Exhibit H contains information on existing conditions. Additionally, the Narrative in Exhibit C details the existing and proposed uses on the site and area uses. This criterion has been met.

15. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public water supply.

The proposed subdivision will be tied in to the City of Florence water supply. This criterion has been met.

16. All proposals for sewage disposal, flood control and easements or deeds for drainage facility including profiles of proposed drainage ways.

A composite utility plan is shown on C-8 of Exhibit H. The specific drainage facility profiles were not provided but will be required prior to construction of on-site facilities.

17. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.

The above information is provided in the applicant's Narrative.

18. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.

The applicant has provided timelines for Phase 1a and Phase 1b. These are shown on Sheets A-3 and A-4 of Exhibit D.

19. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

The applicant has provided a grading plan on Sheet C-7 of Exhibit H.

20. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision is a part, provided that where the proposal comprises all of such area, an affidavit of such fact shall accompany the tentative plan.

11-3-3: REVIEW OF TENTATIVE SUBDIVISION: Within five (5) working days after the subdivision tentative plan is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the subdivision proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted unless an extension is requested.

Staff distribution of the proposed Tentative Subdivision plat for the Preliminary Planned Unit Development occurred on June 14, 2020. Responses were received from the Tribes and Century Link.

11-3-4: APPROVAL OF TENTATIVE SUBDIVISION: After giving notice as required by FCC 10-1-1-6, the Planning Director or its designee shall grant approval or deny the subdivision tentative plan. The hearing decision and further consideration of a similar application shall be reviewed under a Type II process as defined by paragraph 10-1-1-6 of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a

decision. Approval shall be based on compliance with the following criteria.

Notice was sent to owners of lots within 300' of the proposed subdivision on June 23, 2020. Signage was posted on the property in three places on that same date. This project, because it is a PUD, is not eligible for a Type 2 process and is therefore going to public hearing.

A. When the division of land results in remaining lots that are equal to or greater than twice the minimum lot size of the base zone, the application shall label it as a "Tract" and reserve it for open space as applicable or indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code. In either scenario the tract(s) or future lot layout shall not interfere with the orderly extension of adjacent streets, bicycle paths, and accessways.

1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.

The applicant has provided a revised Tentative Subdivision plat draft which labels all but Tract B which is conditioned to. bicycle path and accessway locations and may be found in Sheets C-2 through C-2.5 of Exhibit H. These tracts are provided for use of open space. Land is not needed for extension of rights-of-way or paths.

B. All proposed lots comply with the development standards of the base zone.

The applicant has proposed flexibility in the base zoning district (RMH) as available by FCC Title 10, Chapter 23. Approval of the proposed Tentative Plat draft will be directly related to approval of the Planned Unit Development associated with these Findings of Fact. Any required changes by the Planning Commission shall be reflected on the Final Subdivision draft.

C. Adequate public facilities are available or can be provided to serve the proposed parcels.

The proposed public and private utilities and facilities are found on Sheet C-8, Exhibit H. The site can be adequately served by the existing city water and sewer systems. There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside of the property, [Condition 31].

D. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan.

Public access easements are indicated on Sheets C-2 through C-3 of Exhibit H. The application materials illustrate the dedication along Siano and at the intersection corners of 35th St.

E. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes including ORS Chapter 92, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

Conditional approval for this Tentative Subdivision Plat by the Planning Commission will ensure that the Plat meets these criteria through conditions and supporting findings of fact.

11-3-8: PHASED SUBDIVISION TENTATIVE PLAN: The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved by Planning Director for the entire phased subdivision, and each individual phase receives separate final plat approval from the Planning Director. Planning Director shall approve a phased subdivision tentative plan, provided affirmative findings can be made that: (Ordinance No. 7, Series 2019)

A. The proposed subdivision meets the Tentative Plan requirements outlined in 11-3-1 through 11-3-4.

B. The proposed subdivision includes the following elements:

1. A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction for all required public infrastructure in each phase.

2. Connectivity for streets and public utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

3. Each phase will have public improvements that meet the infrastructure capacity requirements for the development and meet the requirements of City Code and city design standards.

4. Each phase is designed in such a manner that each phase supports the infrastructure requirements for the phased subdivision as a whole.

C. If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.

D. Phasing: Subdivisions approved for multi-phased development may apply for final plat approval by phase, in the following manner:

1. The first phase of development shall apply for final plat approval within two (2) years from the date of the tentative plat approval;

2. The second phase of development shall apply for final plat approval within two (2) years after the final plat approval of the first phase;

3. Subsequent phases shall file for final plat approval within two (2) years after the final plat approval for the preceding phase, with all phases filed within eight (8) years of the tentative plan approval.

Although development itself will be phased, the applicant states on page 76 in the Narrative (Exhibit C) that the subdivision plat will not be phased.

TITLE 11: CHAPTER 5: PLATTING AND MAPPING STANDARDS

11-5-1: STREETS:

A. All streets shall comply with applicable development standards of Title 10 Chapter 36, Street Standards.

[…]

The applicant has provided profile sheets of the internal streets and alleyways for the Planned Unit Development on Sheet C-4 of Exhibit H. The streets meet the development standards with regard to travel lane widths, number and dimensions of parking islands and sidewalks and dimensions of parking lanes. The proposal does not include standards right-of-way dimension standards and they include a street cross section at their pedestrian crossings where there is no on-street parking. They are seeking modifications using the PUD process.

Sheet C-4 of Exhibit H depicts ROW cross sections. What shows as an alleyway cross section should be labeled as a Lane. Additionally, this same cross section is labeled “Tract” at the top of the illustration and should be labeled as “Proposed Right-of-Way,” [Condition 14a].

11-5-2: LOTS AND PARCELS:

A. Size and Frontage:

1. **General Requirements: Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.**

This Tentative Plat is tied to a Preliminary Planned Unit Development. As such, all proposed deviations from the required lot and width of the underling RMH zoning district may be modified through the Planning Commission using the Planned Unit Development approval process, as provided in Florence City Code, Title 10, Chapter 23. The applicant is seeking modification of the lot width and depth for the single family attached and detached dwellings.

2. **Area: Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. Where either a community water supply or sewer system are not presently provided, the lot area shall be sufficient to meet State and County health standards and the lot area shall be at least twice the number of square feet normally required in the zoning district where the lot is located. Where an oversize lot as described above is required due to lack of services, the Planning Commission may require the developer to submit a plan for later division of said lot(s) into lots meeting the minimum lot sizes for single-family detached dwellings in the underlying zone.**

Minimum lot size may be modified by the Planning Commission as they consider approval for the preliminary Planned Unit Development proposal, which is tied to this tentative subdivision plat. The applicant is seeking modification of lot size for the single family attached and detached dwellings.

Several Lots labeled on Sheets C 2.2 through C 2.4 contain setbacks that are mislabeled. Lots 22, 54, 55, 62 63, 70, 71, 78, and 79, respectively. They are labeled as having 10' rear setbacks when they should be labeled "10' Side Setbacks. This applies to the east side of Lot 54, and not the south side as that side is labeled correctly, [Condition 33]. These 10' side setbacks represent the required 10' perimeter buffer.

3. **Frontage: Each lot shall have frontage upon a street of not less than the required minimum lot width for the underlying zone and development type, except that a lot with a required minimum width of fifty feet (50') located on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty five feet (35') upon a street, measured on the arc. Where either a public water supply or public sewers are not presently provided, the lot frontage shall be sufficient to insure an adequate sized lot to meet State and County requirements.**

The proposed Tentative Plat provides for lot frontage along Loop Road and Lanes. The lot frontages do not meet city standards. However, the Planned Unit Development approval process allows for an exception to the above. The Lane/alleyway system measures twenty feet in width, and these shared Lanes connect to the internal private drive. The profiles with measurements for the proposed internal street and alleyways are found in Sheet C-3 of EXHIBIT H. The following code explains exceptions for Planned Unit Developments:

B. Exceptions:

1. **Subdivisions and Partitions Developed as a Unit: The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the applicant presents a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed and developed with provision for proper maintenance of open space, recreation and parklands and will be commonly available for recreation and park purposes to the residents of the subdivision or partition, and which the Planning Commission**

determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this Title.

[…]

5. Lot and Parcel Side Lines: As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lot or parcel faces; except those on curved streets, they shall be radial to the curve.

6. Suitability for Intended Use: All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or partition or of such lot or parcel as determined by the Planning Director in accordance with the purpose of this Title.

The lot and parcel side lines run at right angles to the Lane or Road they have frontage on. The dwelling lots are sized for shared common yards and open spaces. The organization of these amenities will provide the opportunity for a more safe, healthy neighborhood environment. The necessary sanitary facilities are provided. This Tentative Subdivision application is tied to a Planned Unit Development. Any modifications to the Planned Unit Development the Planning Commission approves that would change the tentative plat draft will need to be reflected in the Final Plat draft document.

11-5-3: PUBLIC FACILITIES: All utilities shall comply with applicable development standards of Title 10 Chapter 36 and Title 9.

Utilities are discussed under FCC Title 9, and Title 10, Chapter 9 of these Findings of Fact. Final construction plans and utility facility specifications are required to be submitted for City review and approval prior to commencing construction. Stamped approval will be shown on the utility plans, [Condition 22].

11-5-4: UNSUITABLE AREAS: Areas identified in the Florence Comprehensive Plan as having designated or protected natural areas or potential hazards due to erosion, landslides, stream flooding, ocean flooding or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, the general public, or natural values which have been protected.

A. All subdivision applications shall be reviewed by the City, using the Phase I checklist contained in Site Investigation Reports by Wilbur E. Ternyik, published by OCZMA.

B. Where problem areas are identified in the Phase I checklist, a full-scale Phase II site investigation will be required covering only those problem areas identified in the Phase I checklist. This site investigation must be prepared and paid for by the applicant. Before approval would be granted the site investigation would have to prove either:

1. That upon specific examination of the site, the condition which was identified in the Comprehensive Plan Inventory did not exist on the subject property; or

2. That harmful effects could be mitigated or eliminated through, for example, foundation or structure engineering, setbacks or dedication of protected natural areas.

C. Specifically, areas shown on the Hazards Map and the Soils Map of the Comprehensive Plan will require a Phase II site investigation report. Studies which have been adopted or included in the Comprehensive Plan by reference or studies done subsequent to the adoption of the Plan may be used to determine when a site investigation report is needed.

The City of Florence Soils Map and the applicant's Stormwater Management Report illustrates Yaquina soils in the NE corner of the project site. The presence of such soils triggers the requirement of a Phase I Site Investigation Report unless the hazard is found to not be present or there are other standards available to mitigate the risk. Also, the Florence Area Local Wetlands and Riparian Inventory (2013 Plan) illustrates two locations of probable wetlands on site. A 2015 wetlands study performed on the site found wetlands in the limited project area in the southern portion of the site. In July the applicant provided a wetland delineation from Pacific Habitat, the same company who performed Florence' Wetlands Inventory. Staff made notification to DSL about the project. Comments were received from DSL citing two studies that had identified wetlands on site and that said DSL concurrence should be requested prior to site disturbance. The applicant shall provide staff with a Phase 1 Site Investigation which will explain the treatment of the Yaquina Soils, prior to grading. The applicant shall provide DSL the wetlands delineation and obtain concurrence prior to site disturbance, [Condition 12].

CHAPTER 7 MODIFICATIONS, SUBDIVISION REGULATIONS

SECTION:
11-7-1: APPLICATION FOR MODIFICATION:

A. Time for Submitting Application: Concurrently with submitting a tentative plan to the Planning Director for Planning Commission consideration and approval, an applicant may submit to the secretary of the Planning Commission an application for a modification of any provision of Chapters 2 through 6 of this Title and Chapter 36 of Title 10. (Amd. Ord. 30, Series 1990).

B. Contents of Application: An application for a modification shall be a verified petition stating the provision sought to be modifies and stating facts showing that:

1. **Such provision, if strictly applied, would cause unique and unnecessary hardship to the applicant in subdividing or partitioning the subject area: and that**

2. **Modifications of such provision(s) would not be contrary to the purpose of this Title for the reason that:**
   a. **Where the application is for a modification of any provision of Chapters 5 or 6 of this Title, unusual topographic conditions or previous layout of the partition or subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the public interest an the best use and value of property in the neighboring area, or**
   b. **Where the application is for a modification of any provision of chapters 2 through 4 of this Title, the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the pubic in efficient transaction of public business will best be served by such modification.**

C. Concurrent with its consideration of the application for tentative plan approval and subject to the same procedures and effective dates, the planning commission or its designee shall consider the application for modification. Approval of the application for modification shall be granted providing affirmative findings can be made for the criteria in paragraph B of this section and provided the tentative plans are also approved.

VI. INFORMATIONALS

1. The proposed plans do not illustrate whether the PUD roadway drainage system will be public or private. The roof drains systems will be private facilities. Ownership of the stormwater system shall be established prior to the issuance of construction permits for the utilities.

2. In order to meet 2019 Fire Code, the proposed project require two (2) fire hydrants. The hydrant shown on the west side of Rhododendron Drive cannot be used as Rhododendron is a minor

arterial. The fire hydrants will need to meet the separation distances outlined in the same Code. Furthermore, these hydrants need to have Quick connect Storz with caps attached to the large diameter port. Contact the Fire Marshall for more information, (Exhibit N).

VII. CONDITIONS OF APPROVAL

The application, as presented, meets or can meet applicable City codes and requirements, provided that the conditions of approval are met in coordination with the below limitations.

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.

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.

VIII. EXHIBITS:

Approval shall be shown on conditions of approval as supported by the following record:

A	Findings of Fact
B	Prelim. PUD and Tent. Subdivision Plan Application
C	Applicant Narrative
C1	Applicant Letter to Planning Commission
C2	Applicant Continuance Request and Emails
D	Master Plans Sheets A-1 thru A-19
E	Landscape Plans Sheets L-1 thru L-4
F	Prelim. Stormwater Management Report
G	Traffic Impact Analysis
G1	Revised Traffic Impact Analysis
H	Tent. Plat Sheets C-0 Thru C-8
I	Confederated Tribes Response Letter
J	Excerpt from 2011 Parks and Rec. Plan, Fig. 4.4 Map
K	Traffic Peer Review Letter 7/7/2020
L	Testimony
M	Century Link Response Letter
N	SVFR Referral Comments
O	Civil West Review Analysis Stormwater
P	Water Solutions Inc. Stormwater Review
Q	Applicant Westland Delineation Study
Q1	DSL Wetland Notification and Reply

Findings of Fact attached as Exhibit A are incorporated by reference and adopted in support of this decision.

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

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

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

<u>Title: 10 Chapter 3</u>

4. For the Final PUD application, the applicant shall submit to the Planning Department an updated dimensioned parking lot plan on Sheet C-5.

5. Because the proposal calls for internal street parking within turnouts adjoining the private street, which will contain utilities, sidewalks and landscaping; the easements and maintenance plan for these shall be properly dedicated through the Conditions, Covenants and Restrictions. Additionally, these easements shall be noted on the Final Plat.

6. On-site signage indicating bicycle parking areas shall be required per Title 10, Chapter 3 with signage plans submitted and approved prior to permitting.

<u>Chapter 6: Design Review</u>

7. A Type II Design Review for the multi-family and attached residential units shall be applied for and associated fees paid so the design review standards may be better evaluated.

8. The applicant shall provide architectural details meeting Old Town and Mainstreet Architectural Standards or higher concurrently with the building permits for the single-family detached housing. An associated review fee shall be will be required unless determined otherwise by the Planning Director.

<u>Chapter 7: Special Development Standards</u>

8.a. The applicant shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property as outlined in subsection (D) of FCC 10-7-7, Review and Use of Site Investigation Report, and shall state "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgement or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project." This shall be

recorded prior to submittal of any building permit applications or prior to final Subdivision Plat.

Chapter 10: Residential Districts

9. The applicant shall submit a draft statement that outlines the maintenance easements to the Planning Department with the Final PUD and Final Subdivision plat application. This agreement may be incorporated within the draft Conditions, Covenants, and Declarations document, which will also be required, per Chapter 23, Section 10-23-6 of this Title.

10. All single-family attached units will have rear-loaded garages accessible from private alleyways. The porch areas shall be labeled and dimensioned within the Final PUD application.

Chapter 23: Planned Unit Developments

11. In conjunction with application for Final Plat for the second phase the TIA shall be updated using traffic projection methodology that accounts for this project's phases, other approved projects in the transportation corridors being reviewed and is consistent with the TSP methodology used.

12. The applicant shall apply for a Phase 1 Site Investigation which will explain the treatment of the Yaquina Soils, prior to the Final PUD approval. A Phase 2 with Conditional Use permit may be required prior to Final PUD if warranted from the Phase 1 Site Investigation outcomes.

13. The applicant shall be required to obtain a Construction Permit in Right-of-Way prior to their construction of their access to and improvements for Rhododendron Drive.

13.a. Since greater than 25% of the open space area is to be designated for recreational use (because of the exceptions/modifications requests), upon submittal of the Final PUD application, the applicant shall demonstrate that additional recreational uses, both passive and active, be provided throughout the open spaces.

Chapter 36: Public Utilities:

14. Lot 22 shall be platted with street (Lane) frontage or reclassified as a Tract with no dwelling.

14a. Sheet C-4 of Exhibit H depicts ROW cross sections. What shows as an alleyway cross section should be labeled as a Lane. Additionally, this same cross section is labeled "Tract" at the top of the illustration and should be labeled as "Proposed Right-of-Way."

15. The applicant shall construct the cross-section standard for Rhododendron Dr. or as modified by the Public Works Director or enter into a non-remonstrance agreement for proportionate contribution to near future improvements to Rhododendron Dr. in conformance with the TSP.

16. With final plat applications the materials shall provide notation or easement illustrating access ownership and conveyance

17. Prior to submittal of construction plans for review and approval by the Public Works Director, the applicant shall coordinate with the City on street cross-section proposals.

18. Final plat materials shall indicate the corner curb return radii meeting city code standards, unless modified by the Public Works Director.

19. In conjunction with utility construction plan review and approval by the Public Works Dept. the applicant shall provide a blow-off/air release valve assembly at the end of each line, if required**.**

20. Verification of existing and proposed water service mains and hydrant flow supporting the site will be required to be submitted for review and approval by the Building Official and Fire Marshall.

20a. All streets, lanes or tracts shall allocate no parking areas, per State requirements, around all fire hydrants located within the development.

21. Because the proposed project exceeds one acre, the applicant shall apply and receive required State permitting prior to site disturbance.

22. Prior to construction of streets or utilities, an engineered construction plan shall be submitted for review and approval by the Public Works Director.

Chapter 37: Lighting

23. A revised photometric plan shall be provided for review and approval in conjunction with applications for the Final PUD or with an associated design review or building permit in the case of the Single Family Detached dwellings.

24. The revised lighting plan shall provide no greater than 5 foot-candles over parking spaces and walkways and no greater than 7-foot candles directly under light fixtures.

25. Light mounting heights shall be no greater than 20'.

Chapter 34: Landscaping

26. A final Landscape Plan associated with the rights-of-way (plantings such as street trees), the on-site swale proposed along Rhododendron Drive, and the swale proposed within the Rhododendron Dr. right-of-way need to be provided with Public Improvement Plans for review and approval by Public Works prior to site disturbance and prior to Final PUD or Final Plat approvals. Plans shall include the street tree planting location, size, species, root guard, irrigation, and evidence of planting within a 4' by 4' tree well. Landscape plans shall also be provided for review and approval in conjunction with each associated design review for the Type II single family attached and apartment developments. Final Stormwater planting and construction details shall be submitted for review and approval prior to application for building permits for the single family attached and detached proposals.

27. An Irrigation Plan shall be supplied with the Final PUD application or in conjunction an associated landscape plan submittal.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure and Misc.

28. In addition to providing a name for the Final Plat, a name for the proposed internal drive shall be provided to the Planning Department who will ensure that the name is not a duplicate and in keeping with named area streets per Title 10, Section 8-2-1-1

29. The application packet does not include an affidavit of services. An affidavit of services shall be provided in accordance to this criterion.

30. Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade.

31. There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside of the property.

33. Several Lots labeled on Sheets C 2.2 through C 2.4 contain setbacks that are mislabeled. These include Lots 22, 54, 55, 62 63, 70, 71, 78, and 79, respectively. They are labeled as having 10' rear setbacks when they should be labeled "10' Side Setbacks. This applies to the east side of Lot 54, and not the south side as that side is labeled correctly.

Attachment 8
Applicant Narrative

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APPROVED
Florence Planning Commission
Design Review Board
"C" PC 2007 PUD 01
PC 2008 SUB 01
Exhibit Resolution Number

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  - A-12 Multi-Family Housing: Concept A1 & A2 – 11-12 Units (Elevations & Perspectives)
  - A-13 Attached Housing: Concept B2 – 2 Units (Floor Plans, Elevations & Perspectives)
  - A-14 Attached Housing: Concept B3.1 – 3 Units (Floor Plans, Elevations, & Perspectives)
  - A-15 Attached Housing: Concept B3.2 – 3 Units (Floor Plans, Elevations, & Perspectives)
  - A-16 Attached Housing: Concept B4 –4 Units (Floor Plans, Elevations, & Perspectives)
  - A-17 Detached Housing: Concept C1 (Floor Plans, Elevations, & Perspectives)
  - A-18 Detached Housing: Concept C2 (Floor Plans, Elevations, & Perspectives)
  - A-19 Massing Concept

GENERAL INFORMATION

Property Owner and Applicant:	**APIC Florence Holdings, LLC** 5 Thomas Mellon Cir, Suite 305 San Francisco, CA 94134 Contact: Ashlee Sorber Phone: (503) 704-9934 Email: asorber@apicincus.com
Architect:	**LRS Architects** 720 NW Davis, Suite 300 Portland, Oregon 97209 Contact: Robert Boileau Phone: (971) 242-8180 Email: rboileau@lrsarchitects.com
Planning Consultant:	**3J Consulting, Inc.** 9600 SW Nimbus Avenue, Suite 100 Beaverton, OR 97008 Contact: Mercedes Serra Phone: (503) 946-9365 x211 Email: mercedes.serra@3j-consulting.com
Civil Engineer:	**3J Consulting, Inc.** 9600 SW Nimbus Avenue, Suite 100 Beaverton, OR 97008 Contact: Aaron Murphy Phone: (503) 946-9365 x218 Email: aaron.murphy@3j-consulting.com
Landscape Architect:	**PLACE Studio LLC** 735 NW 18th Avenue Portland, OR 97209 Contact: Charles Brucker Phone: (503) 334-2083 Email: charles.brucker@PLACE.la
Surveyor:	**S&F Land Services** 1725 N Roosevelt Dr, Suite B Seaside, OR 97138 Contact: Jack White Phone: (503) 738-3425 Email: jack.white@sflands.com

SITE INFORMATION

Parcel Number:	18121533 00700, 18121534 03800, and 18122221 01900
Address:	No site address
Size:	9.28 acres
Zoning Designation:	Mobile Home/Manufactured Home Residential (RMH)
Comprehensive Plan Designation:	Medium Density Residential (MDR)
Existing Use:	Vacant
Surrounding Zoning:	The properties to the west are zoned Single-Family Residential. The properties to the north, east and south are zoned Mobile Home/Manufactured Home Residential.
Street Classification:	Rhododendron Drive is classified as a minor arterial. 35th Street is classified as a collector.

INTRODUCTION

APPLICANT'S REQUEST

The Applicant proposes to construct a planned unit development and seeks the approval of concurrent applications for a Planned Unit Development (PUD) and Tentative Subdivision (SUB). This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of the City of Florence's Zoning Code (Title 10) and Subdivision Code (Title 11).

A Planned Unit Development (PUD) application is evaluated under the Type III quasi-judicial decision process. The City's Planning Commission will render the Type III decision after a public hearing on the application is held.

SITE DESCRIPTION/SURROUNDING LAND USE

The subject site is 9.28 acres in size and is located on Rhododendron Drive, north of 35th Street. The property is located within the City and is zoned Mobile Home/Manufactured Home Residential (RMH). The site has generally flat topography, with a slight slope towards the western end of the property.

The properties to the north, south and east are zoned Mobile Home/Manufactured Home Residential (RMH). The properties to the west of Rhododendron Drive are zoned Low Density Residential (LDR). The site is abutted by single-family homes.

PROPOSAL

The proposed planned community will include a mixture of single-family detached homes, and single-family attached homes and multi-family homes. The proposed development includes 31 single-family homes, 49 single-family attached homes, and 46 multi-family homes with modifications to the base zone's dimensions as permitted through the PUD process.

The proposed design includes a network of open spaces, a thoughtfully linked pedestrian circulation system, and recreation facilities. The Central Green includes a children's play area, a pavilion, picnic areas, lawn, native grove and walking trails. Two pocket gardens will provide native plantings, walking trails and seating areas for residents. A series of garden courts which include lawn, walking trails, a shelter and picnic area. A small fenced dog park with a seating area has been provided at the south end of the site.

A private loop road will serve as access to the site, with two access points on Rhododendron Drive. A network of alleyways will provide for vehicle access to rear loaded garages in individual homes. On-street parking will be provided along the private loop road. Additional parking for residents has been provided on individual lots, or within surface level parking lots in the multi-family development areas. Sidewalks along each side of the private street will connect with an internal pedestrian pathways system which provides access to each building entrance and all open space recreation spaces provided on the site.

NEIGHBORHOOD MEETING

The Applicant held the required neighborhood meeting on November 12, 2019 with surrounding property owners to discuss the proposed development. The submitted materials include the signature sheet, meeting notes, and materials provided to the attendees of the meeting. No follow up comments on the proposal were received.

APPLICABLE CRITERIA

The following sections of Florence's Title 10 Zoning Code have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Type III Planned Unit Development application.

Title 10 – Zoning Regulations
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.

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

F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.

G. Parking and Loading standards that are listed under specific zoning districts supersede the general requirements of this chapter.

H. Provisions of this Chapter shall not apply to any parking located in an organized parking district.

I. The provisions of this Chapter shall be in addition to the provisions for parking design and construction in FCC Title 9 Chapter 5 and, where there are conflicts, Title 9 Chapter 5 shall prevail.

Finding: Attached to this narrative is a Site Plan (Sheet C-3) which details the proposed parking for the site. It has been designed to accommodate proposed residential uses and allow for the safe and efficient flow of traffic with minimal conflicts with pedestrians.

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 on- going 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.

Finding: Parking will be provided with a combination of single and double car garages on the single-family lots, driveways on single-family lots, covered and uncovered surface parking, and on-street spaces within the private street loop in order to meet the estimated parking demand. As detailed below, the applicant proposes the provision of 259 total parking spaces to meet the anticipated demand.

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:

A. Residential and Commercial Dwelling Types:

Single Family Dwelling **Including attached and detached dwellings and manufactured homes**	**2 space per dwelling unit**
Duplex/Duet	**2 spaces per dwelling unit**
Tri-plex or Quad-plex **Cluster Housing** **Multiple-family dwelling**	
Studio & one bedroom units	**1 space per unit**
Two-bedroom units	**1.5 spaces per unit**
Three-bedroom units or larger	**2 spaces per unit**

Finding: The proposed development will include 31 detached homes and 49 attached homes (five of which are one-bedroom units) requiring 160 parking spaces. The proposed apartments will provide 24 studio/one-bedrooms and 22 two-bedrooms, requiring 57 parking spaces. A total of 217 parking spaces are required on-site.

The detached and attached homes will provide parking within single or double car garages. Additional parking for the single-family detached homes will be provided on individual lots on parking pads located to the side of the homes. The multi-family apartments will provide a mix of covered and uncovered parking adjacent to each of the buildings in surface parking lots. On-street parking provided on the private street loop will provide additional parking. In total, 262 parking spaces will be provided on site, exceeding the minimum requirement.

	Number of Parking Spaces
SFA Garage Spaces	93
SFD Garage Spaces	37
SFD Driveway Parking Spaces	25
Multi-Family Surface Parking	61
On-Street Parking (Private)	46
Total	262

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.

Finding: The multi-family development on site is divided into two areas, each with 23 apartment units. Accessible parking has been provided on each site at the entrance of each building. The amount of accessible parking required and provided has been detailed in the table below.

	Site A	Site B
Surface Parking Stalls	26	35
Required Accessible Stalls (Table 10-3-2	1	2
Provided Accessible Stalls	**2**	**2**

All accessible parking will be covered and will be identified with signs and pavement markings consistent with the requirements of this section. This standard 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.

A. Parking for new single family attached and detached dwellings, duets 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 nine (9) feet and six (6) inches wide by nineteen (19) feet long. 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 nine (9) feet and six (6) inches wide by nineteen (19) 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.

Finding: Parking for the single-family homes will be provided in either two-car garages or as single-car garage with an uncovered driveway space measuring at least nine feet six

inches wide by nineteen feet long. The proposed driveway spaces do not extend into the public right-of-way. The requirements of this section are met.

3. **Off-street parking for single-family attached dwellings on the front of the building and driveway accesses in front of a dwelling are permitted in compliance with the following standards:**
   a. **Outdoor on-site parking and maneuvering areas shall not exceed twelve feet (12') wide on any lot.**
   b. **The garage width shall not exceed twelve feet (12'). Garage width shall be measured based on the foremost four feet of the interior garage walls.**

Finding: Access to the proposed single-family attached dwellings has been provided through a rear alley. The requirements of this section are not applicable to the proposed development.

4. **Off-street parking for single-family attached dwellings not on the front of the building are permitted in compliance with the following standards:**
   a. **Development abutting a rear alley shall take access from the alley.**
   b. **Development that includes a corner lot without a rear alley shall take access from a single driveway on the side of the corner lot. Street classifications, access spacing, or other provisions may require adjustment or variance process. See Figure 10-3-8-A.2.b**
   c. **Development that does not include a corner lot and does not abut a rear alley shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front of the building and front lot line of any of the single-family attached dwellings. See Figure 10-3-8-A.2.c.**

Finding: Access to the proposed single-family attached dwellings has been provided from a rear alleyway. The requirements of this section are met.

B. Parking for tri-plexes, quad-plexes or cluster housing may be provided either as a carport or garage or as a parking lot meeting the standards listed in FCC 10-3-9. Spaces shall be located on the rear of the lot and meet the following requirements:

Finding: The proposed development features a mix of single-family detached, single-family attached and multi-family housing. The requirements of this section are not applicable.

C. All parking areas except those required in conjunction with a single-family, duet or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.

Finding: As shown on the Grading Plan and Erosion Control (Sheet C-7), all parking areas provided for the multi-family dwellings will be graded so as not to drain storm water

over public sidewalks. The proposed parking lot surfacing does not encroach upon a public right of way. The requirements of this section have been met.

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

Finding: The majority of the parking on site has been located within garages or in tuck under parking. Parking located within driveways and within the surface parking lots will be screened with landscaping, as shown on the Planting Plan (Sheet L-3). Parking located along the private street will be parallel to the street and will not shine into adjacent residential uses. This standard is met.

E. Except for parking areas required in conjunction with a single-family attached or detached; duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage, all parking areas shall provide:

1. **A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroachingon adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph E2 of this subsection.**
2. **Except for places of ingress and egress, a five foot (5') wide landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Planning Commission may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.**

Finding: Parking for the proposed multi-family dwellings has been provided in surface parking lots. Parking has not been located abutting streets or right-of-way. A six-inch curb has been provided around the perimeter of each of the parking lots. This standard is met.

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

Finding: Parking has not been located in the public way. This standard is met.

G. Except for parking in connection with dwellings, parking and loading areas adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight obscuring fence or evergreen hedge of not less than three feet (3') nor more than six feet (6') in height, except where vision clearance is required. Any fence, or evergreen hedge must be well kept andmaintained.

Finding: All proposed parking has been provided in connection with dwellings. The requirements of this section are not applicable to this development.

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

Finding: Section 10-37 has been addressed within this narrative.

I. Except for single-family, duet and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.

Finding: Section 10-37 has been addressed within this narrative.

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

Finding: As shown on the Site Plan (Sheet C-3), required parking has not been located in the front or side yard, except for parking located within driveways on the single-family lots as provided by Section 10-3-8.A.2. This standard is met.

K. Planning review is required for all parking lot construction or resurfacing.

L. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:

1. **Individual parking and loading spaces.**
2. **Circulation area.**
3. **Access to streets and property to be served.**
4. **Curb cut dimensions.**
5. **Dimensions, continuity and substance of screening, if any.**
6. **Grading, drainage, surfacing and subgrading details.**
7. **Obstacles, if any, to parking and traffic circulation in finished parking areas.**
8. **Specifications for signs, bumper guards and curbs.**
9. **Landscaping and lighting.**

Finding: A Site Plan (Sheet C-3), Grading and Erosion Control Plan (Sheet C-7), Landscaping (Sheet L-2 and L-3) and Photometrics Plan (Sheet C-6) illustrating the requirements listed in subsection 1-9 above have been provided with this land use application.

M. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:

1. **Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.**
2. **May be the basis for denying any business license required or permit issued by the City.**

Finding: The applicant acknowledges that the maintenance of the parking areas is the ongoing responsibility of the property owner.

N. Parking provided for Accessory Dwelling Units:

Finding: The proposed development does not include Accessory Dwelling Units. The requirements of this section are not applicable.

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.

Finding: As shown on the submitted Site Plan (Sheet C-3), the off-street parking spaces provided within the surface lots for the multi-family dwellings and the parking provided along the private street will conform to the City standards for surfacing, stormwater management, and striping. The standard parking spaces will conform to the minimum dimensions specified above and within Figure 10-3(1) and Table 10-3-3. This standard is met.

10-3-10: BICYCLE PARKING REQUIREMENTS: All new development 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.

Finding: The provided bicycle parking will be two feet by six feet minimum. This standard is met.

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.

Finding: The proposed development is residential. The requirements of this section are not applicable to this development.

C. Long Term Parking. Long term bicycle parking requirements are only for new development of group living and residential uses of three or more units. The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of

the building; Tri-plex, Quad-plex, Cluster Housing or Multi-family = 1 per 3 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.

1. **For residential developments that provide parking through a garage, bicycle parking may be provided as a wall-mounted rack located inside the garage. The minimum clearance distance from the wall to the automobile parking space shall be four feet (4').**

Finding: Long-term bicycle parking for the single-family attached and detached units will be provided within the individual garage spaces in the form of a hanging bike rack. Each multi-family apartment site will have a total of 23 residential units, requiring eight bicycle parking stalls. A covered storage area located within the ground floor of one of the buildings on each multi-family site will provide a total of eight bicycle parking stalls. This standard is met.

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.

Finding: Each multi-family apartment site will have a covered storage area located within the ground floor of one of the buildings. The storage area is located closer to the building than the parking area and will be easily be accessible and to bicyclists entering the property from the street. The proposed bicycle parking will be secure within the building and well lit. This standard is met.

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.

Finding: The proposed bicycle parking has not been located in an area that will impede or create a hazard for pedestrians or conflict with vision clearance standards. This standard is met.

10-3-11: LOADING AREAS:

A. Purpose. The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

B. **Applicability. This section applies to residential projects with fifty (50) or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.**

Finding: The proposed planned development will have a total of 80 single-family homes located on individual lots and 46 multifamily homes divided between two parcels. The provisions for a loading zone are not applicable to the proposed development.

Chapter 6 – Design Review

10-6-6: DOWNTOWN ARCHITECTURAL DESIGN: The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon's traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community

Development in the Old Town and Mainstreet districts shall comply with the standards in this section.

The City Planning Official, the City Planning Official's designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.

10-6-6-1: BUILDING TYPE: These types of buildings currently exist within the applicable zoning districts and are compatible with each other, despite being different in their massing and form. The following building types are permitted in future development and infill. Other building types not listed which are compatible with the surrounding area and buildings and are compatible with the historic nature of the zoning district are also permitted. Not all types may be permitted or regulated in all zoning districts.

A. **Residential Type, single-family, duplex (attached & detached), or multi-family**
B. **Commercial Storefront Type**
C. **Mixed-Use House Type**
D. **Community Building Type**

Finding: The proposed development will include a mix of single-family detached, single-family attached and multi-family development. This standard is met.

10-6-6-2: BUILDING STYLE:

A. **Context: Each building or addition shall be designed within the context of its larger surroundings and environment in terms of overall street massing, scale and configuration.**
B. **Historic Style Compatibility: New and existing building design shall be consistent with the regional and local historical traditions. Where historic ornament and detail is not feasible, historic compatibility shall be achieved through the relation of vertical proportions of historic façades, windows and doors, and the simple vertical massing of historical buildings. Some examples of architectural styles currently or historically present in the Florence area are: Queen Anne, Shingle Style, Second Empire, Victorian, Italianate, Tudor Style, Craftsman Bungalow, American Foursquare, and Vernacular.**
   1. **Existing buildings: Maintain and restore significant historic details.**
   2. **New Buildings: Design shall be compatible with adjacent historic buildings**

Finding: The proposed development will use a combination of three architectural design styles; board and batten, coastal shingle and cottage lap. The proposed development is not located adjacent to historic buildings. This standard is met.

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 facia 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.**

Finding: The proposed development does not include commercial development. The requirements of this section are not applicable to this development.

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 facia, 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.**

Finding: The proposed development does not include commercial development. The requirements of this section are not applicable to this development.

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:**

1. **Plans shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30-40 feet. In addition, each floor shall contain at least two elements meeting the following criteria:**
   a. **Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of 4 feet;**
   b. **Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or**
   c. **Offsets or breaks in roof elevation of 2 feet or greater in height.**
   d. **A "break," for the purposes of this subsection, is a change in wall plane of not less than 24 inches in depth. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.**
2. **The Planning Commission, through Design Review, may approve detailing that does not meet the 24-inch break-in-wall-plan standard where it finds that proposed detailing is more consistent with the architecture of historically significant or historically-contributing buildings existing in the vicinity.**
3. **Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall plane standard.**
4. **Building elevations that do not orient to a street or civic space need not comply with the 24-inch break-in-wall-plan standard but should complement the overall building design.**

Finding: Conceptual elevations have been submitted for the proposed multi-family, attached and detached housing proposed on site. All proposed elevations feature articulation including recesses, extensions, and offsets or breaks in roof elevations. The spacing standard of the articulation does not exceed 30 feet along the elevations.

The multi-family elevations are illustrated on Sheet A-12 Multi-Family Housing: Concept A1 & A2. The conceptual elevations for the attached housing are shown on sheets A-13 Attached Housing: Concept B2, A-14 Attached Housing: Concept B3.1, A-15 Attached Housing: Concept B3.2 and A-16 Attached Housing: Concept B4. The conceptual elevations for the detached housing are shown on sheets A-17 Detached Housing: Concept C1 and A-18 Detached Housing: Concept C2. This standard is met.

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.

A. Exterior Building Walls:

1. **Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted.**
2. **Brick or stone masonry with a minimum 2 ½" deep solid veneer material.**
3. **Cement-based stucco.**
4. **Secondary materials: Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non-reflective and compatible with the overall building design, subject to approval. Secondary materials may be used on up to 30% of the façade.**

Finding: The proposed materials will include board and batten siding, coastal shingle, and cottage lap siding, which will be used in combination throughout the development. This standard is met.

B. Roofs, Awnings, Gutters, and Visible Roofing Components:

a. **Composition shingles, concrete, slate or cedar shingles, or concrete or clay tiles. Red composition shingle similar to the Kyle Building are encouraged.**
b. **Standing seam roofing: copper, terne metal or coated metal.**
c. **Gutters and downspouts: copper, terne metal, or coated metal.**
d. **Single or multi-ply roofing, where visibly concealed.**
e. **Glass, steel, wood or canvas fabric awnings.**
f. **Skylights: metal and wood framed glass and translucent polymer.**

Finding: The primary roofing material will be asphalt shingles, with standing-seam metal roofing used as a secondary material for sheds and breezeways. This standard is met.

C. Chimney Enclosures: Brick, cement-based stucco, stone masonry or wood shingles.

Finding: Chimney enclosures are not proposed. The requirements of this section are not applicable to the proposed development.

D. Windows, Entrances, and Accessories:

1. **Wood, vinyl or pre-finished metal frames and sashes.**
2. **Glazed and unglazed entry doors shall be wood, pre-finished or coated metal or fiberglass.**
3. **Solid wood or fiberglass shutters.**
4. **The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.**

Finding: All windows will be vinyl. Exterior doors will be wood or fiberglass. All proposed trim will be cementitious wood-looking material. This standard is met.

E. **Trellises, Decks, Stairs, Stoops, Porches, and Balconies**
   1. **Architectural concrete, brick and stone masonry, solid wood or fiberglass columns, posts, piers and arches.**
   2. **Wood, brick, concrete and stone masonry decks, stoops, stairs, porches, and balconies.**
   3. **Solid wood, painted welded steel or iron trellises.**
   4. **Railings, balustrades, and related components shall be solid wood, painted welded steel or iron.**

Finding: Balconies will be constructed of composite wood decking with anodized aluminum railings. This standard is met.

F. **Landscape/Retaining Walls and Fences: Shall be subject to the FCC 10-34 and the following requirements:**
   1. **Brick and stone masonry or precast concrete.**
   2. **Architecturally finished exposed concrete.**
   3. **Cement-based stucco over masonry or concrete substrate.**
   4. **Solid wood pickets, lattice and boards.**
   5. **Painted welded metal or iron**

Finding: The development perimeter will have a continuous six-foot tall cedar fence along all abutting property. The internal fencing at the dog park will be welded wire panels with wood framing. All proposed walls on site will be architecturally finished exposed concrete. This standard is met.

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.**

Finding: The proposed development will utilize a Pacific Northwest palette. This standard is met.

10-6-6-5: MATERIAL APPLICATIONS AND CONFIGURATIONS:

A. **Building Walls:**
   1. **For each building, there shall be one single, clearly dominant exterior wall material and finish.**
   2. **Brick and stone front façades shall return at least 18" around side walls.**
   3. **Building walls of more than one material shall change along horizontal lines only, with a maximum of three materials permitted per façade.**
   4. **Heavier materials, such as stone, shall only be used below lighter materials, such as siding.**
   5. **Siding and shingles shall have a maximum 6" to the weather.**
   6. **4" minimum width corner, skirt, rake and eave trim shall run the full height of each façade, flush, or protrude beyond the surrounding wall surface.**

7. **Board and batten siding: battens shall be spaced a maximum of 8" on center.**

Finding: All buildings will have a single dominant exterior wall material and finish. Building material changes occur on horizontal lines only with a maximum of three materials per façade. the dimensional requirements of this section will be met.

B. **Roofs, Awnings, Gutters and Roofing Accessories:**
   1. **Visibly sloped roofs shall pitch a minimum of 5:12 to a maximum 12:12 with symmetrical gable or hip configuration.**
   2. **Eaves shall be continuous except at sheds and dormers.**
   3. **Shed roofs shall attach to the main building wall or roof ridge with minimum 3:1 slope.**
   4. **Flat roofs shall be concealed by cornices or parapets.**
   5. **Gutters shall be round or ogee profile. Leaders shall be round or square.**
   6. **All roof-mounted components such as mechanical equipment shall not be visible from street-level public rights-of-way.**
   7. **Sloped roof eaves shall overhang exterior wall planes at least 12" and shall be visibly supported by exposed rafter ends or other compatible architectural detailing.**

Finding: All visibly sloped roofs will have a minimum pitch of 5:12 and a maximum pitch of 12:12. This standard is met.

C. **Towers:**
   1. **Slender towers of a maximum 400 square feet in area are permitted to exceed the building height limit.**
   2. **Towers on residential and commercial buildings shall be occupiable with windows. Community buildings may feature unoccupiable towers.**
   3. **Commercial signage may not be placed on towers.**
   4. **Tower separation shall be minimum of 100 feet.**

Finding: The proposed building designs do not include towers. This standard is not applicable to this development.

D. **Visible Windows, Glazing, and Entrances:**
   1. **Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.**
   2. **10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.**
   3. **Bay windows shall have visible bracket support.**
   4. **Overhead doors shall not face the building's primary street façade or a major public right-of-way.**
   5. **Door and window shutters shall be sized to cover the entire window.**
   6. **Exterior shutters shall be solid wood or fiberglass.**
   7. **No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.**

8. **Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4" minimum width vertical trim.**
9. **Windows and doors in exterior walls shall be surrounded with 2 ½" minimum width trim applied flush or projecting beyond the finished wall surface.**
10. **Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.**

Finding: As shown on the attached elevations, all proposed windows will comply with the requirements of this section.

E. **Visible Decks and Balconies: All balconies and decks attached to building faces, whether cantilevered or supported below or above, shall be visibly supported by vertical and horizontal elements such as brackets, columns, or beams. Exterior posts and columns, solid or encased, shall be minimum 5 ½" in cross-section.**

Finding: The proposed multi-family building design features visible balconies which will be recessed into the façade, with visible support above and below. This standard is met.

F. **Visible Landscape/Retaining Walls and Fences:**
   1. **Freestanding concrete and masonry walls shall be minimum 8" nominal thickness with a finished top course, cap, or other compatible termination.**
   2. **Site wall materials should generally match or provide compatibility with the adjoining building materials.**
   3. **Metal and iron fencing shall be configured in predominately vertical elements.**

Finding: All proposed walls on site will be architecturally finished exposed concrete with a minimum 8-inch nominal thickness. All metal fencing will be configured in predominately vertical elements. This standard is met.

G. **Mechanical Equipment:**
   1. **Building walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, are permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant with FCC 10-34. Standpipes, meters, vaults, and similar equipment need not be screened, but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.**
   2. **Rooftops. Except as provided below, rooftop mechanical units shall be setback and/or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City decision body may approve painting of the mechanical units in lieu of screening; such painting shall meet the standards of FCC 10-6-6-4-G above and shall make the equipment visually subordinate to the building and adjacent buildings, if any. These regulations do not apply to solar photovoltaic and solar thermal energy**

systems as allowed by HB 3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

3. **Ground-Mounted. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings per FCC 10- 34-3-7. The City may require additional setbacks and/or noise attenuating equipment for compatibility with adjacent uses.**

Finding: All mechanical equipment will be located within the buildings. This standard is met.

Chapter 10 – Residential Districts

10-10-2: RESIDENTIAL USES:

A. Table 10-10-2-A. The following table indicates which uses are permitted in each residential zone.

Uses	RMH
Planned Unit Development	**Type III Planning Commission Review**

Finding: A Planned Unit Development is allowed in the RMH zone as a Type III land use decision with a Planning Commission Review.

10-10-3: NON-RESIDENTIAL USES

A. Table 10-10-3-A. The following table indicates which uses are permitted in each residential zone.

Uses	RMH
Recreation facilities for use of residents or guests as part of an approved PUD	**Permitted**

Finding: The proposed recreation facilities for use of residents and guests as part of the proposed PUD are allowed with Site Review.

10-10-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, a lot must meet the following minimum lot dimensions:

	RMH	
Type	**Width**	**Depth**
All development types including single-family detached[2], except:	**50 ft.**	**80 ft.**
Single-family attached dwelling or duet (single unit)	**25 ft.**	**80 ft.**

Finding: A modification to the minimum lot dimensions has been requested through the Planned Unit Development Section 10-23-5.H, which allows for the modification of the underlying zoning requirements, including lot width and depth. The proposed lot dimensions have been listed in the table below.

Development Type	Width	Depth

Single-family detached	36 ft.	62 ft.
Single-family attached	24 ft.	60 ft.
Multi-family	132 ft.	93 ft.

The modification requirements have been addressed within this narrative under FCC Chapter 10-23.

B. Minimum Lot Area: To be designated a building site, a lot must meet the following minimum lot area:

Development Type	**RMH**
Single-family detached dwelling	**5,000 sq. ft.**
Single-family attached dwelling	**3,000 sq. ft.**
All other development types[2]	**5,000 sq. ft.**

Finding: A modification to the minimum lot area has been requested through the Planned Unit Development Section 10-23-5.H, which allows for the modification of the underlying zoning requirements, including lot area. The proposed setbacks have been listed in the table below.

Development Type	Minimum Lot Area
Single-family detached	2,232 sq. ft.
Single-family attached	1,464 sq. ft.
Multi-family	30,146 sq. ft.

The modification requirements have been addressed within this narrative under FCC Chapter 10-23.

C. Lot Coverage: The maximum coverage shall not exceed the following:

	RMH
Maximum building coverage	**50%**
Maximum coverage by all impervious surfaces	**75%**

Finding: The subject site is approximately 404,026 square feet in size. The total building coverage of the proposed site is 134,516 square feet or 33.3 percent. The proposed impervious surface area on site is 229,072 square feet, or 56.7 percent. This standard is met.

D. Yard Regulations: Unless an adjustment or variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:

	RMH
Front	
• **Primary**	**10 ft.**
• **Garage or Carport vehicular entrance wall**	**20 ft.**
Side	
• **Primary[2]**	**5 ft.**

• **Parking lot, Garage or Carport** • **Garage or Carport vehicular entrance wall**	**5 ft.** **20 ft.**
Rear[1] • **Primary** • **Parking Lot, Garage or Carport** • **Garage or Carport vehicular entrance wall**	 **5 ft.** **10 ft.** **20 ft.**
[1]Single-family detached and duplex dwellings in the HDR District shall have the same front, side and rear yard regulations as the MDR District. **[2]Minimum side setbacks may be reduced to zero feet (0') for attached primary structures where they share a common wall with a structure on an adjacent lot.** **[3]For a corner lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner" both lot or parcel lines are the front line. The sum of these setbacks shall not fall below the sum of the minimum front and side yard requirements for primary building and no setback shall be below the minimum primary side yard requirement for the district.**	

1. **The required front and side yards shall not be used for clotheslines, incinerators, storage of trailers, boats and recreational vehicles or of any materials, nor shall said yards be used for the regular or constant parking of automobiles or other vehicles, except as permitted under 10-3-8-A.**
2. **All patio and playground equipment structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.**
3. **When a multi-family use adjoins a single-family detached use, the multi-family use shall be set back from shared lot lines one additional foot for each foot of height over twenty-eight feet (28'), except that the required setback shall not exceed twenty feet (20') from any lot line.**

Finding: A modification to the minimum setbacks and yard regulation has been requested through the Planned Unit Development section 10-23-5.H, which allows for the modification of the underlying zoning requirements, including setbacks. The proposed setbacks have been listed in the table below. A perimeter setback of 10 feet has been provided along all property lines with adjacent residential development. The proposed multi-family use has a maximum height of 32 feet and has been set back 10 feet from neighboring single-family residential development.

	Proposed Setback
Front:	5 feet
Side: - Street - Detached Single-family - Attached Single-family	 5 feet 3 feet 0 feet and 3 feet
Rear: - Primary - Garage (alley-loaded)	 3 feet 3 feet

A modification has also been requested to allow parking within a side yard setback to allow for a parking pad on the single-family detached lots. The detached lots will

have a 3-foot wide side yard setback on one side and an 11-foot wide setback on the adjacent side where parking is proposed to allow for a 9.5-foot wide parking pad.

The modification requirements have been addressed within this narrative under FCC Chapter 10-23.

E. Residential Density Standards: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum and maximum density standards shall be as listed below:

	RMH[3]
Minimum net density (units/acre)	**-**
Maximum average net density (units/acre)	**12**
[1]Maximum average net density may be increased in the High Density Residential District through a PUD. See FCC 10-23. **[2]Maximum Density is calculated using minimum lot size for use(s) proposed.** **[3]Existing undeveloped (infill) lots use lot sizes in Table 10-10-4-B. Subdivisions, partitions, lot line consolidations, and replats use 12 units per acre for MDR and RMH.**	

Finding: The proposed development has a total of 126 residential units on 9.28 net acres, for a maximum average net density of 13.6 units per acre. The maximum average net density exceeds the allowable density of 12 units per acre in the RMH zone. A modification to the density has been requested through the Planned Unit Development section 10-23-5.H, which allows for the modification of the underlying zoning requirements, including density. The modification requirements have been addressed within this narrative under FCC Chapter 10-23.

10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. **Primary Structures: The maximum building or structural height shall be thirty-five feet (35'), except High Density District which shall permit forty feet (40'), limited to three (3) stories.**
2. **Accessory Structures: The maximum building height shall be twenty feet (20').**
3. **Accessory Dwelling Units: The maximum building height shall be twenty-eight feet (28').**
4. **Nonresidential Structures: The maximum building height shall not exceed thirty feet (30').**
5. **Structures in the HDR, LDR, MDR and RMH shall have a minimum roof pitch of 3/12, except mobile homes in the mobile/manufactured home parks or district.**

Finding: The proposed single-family detached homes have a maximum building height of 28 feet. The single-family attached homes have a maximum height of 30 feet. The multi-family buildings have a maximum height o 32 feet. All proposed buildings will have a minimum roof pitch of5:12 and a maximum roof pitch of 12:12. This standard is met.

B. Fences: See Code Section 10-34-5 of this Title.

Finding: This narrative describes how the proposed development complies with 10-34-5 of this Title.

C. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definition, and requirements.

Finding: Attached to this application is a Site Plan (Sheet C-3) detailing the proposed vision clearance for the subject site. This narrative describes how the proposed development complies with 10-35-2-14 of this Title.

D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)

Finding: Attached to this application is a Site Plan (Sheet C-3) detailing the proposed parking for the subject site. This narrative describes how the proposed development complies with 10-3 of this Title.

E. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

Finding: All proposed signs will be provided in accordance with Title 4 Chapter 7 of this code.

F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

Finding: Attached to this application is a landscaping plan set (Sheets L1-L4) detailing the proposed landscaping for the subject site. This narrative describes how the proposed development complies with 10-34 of this Title.

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

Finding: Attached to this application is a Parking and Circulation Plan (Sheet C-5) detailing the proposed access and circulation for the subject site. This narrative describes how the proposed development complies with 10-35 of this Title.

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

Finding: Attached to this application is a Composite Utility Plan (Sheet C-8) detailing the proposed utility access for the subject site. This narrative describes how the proposed development complies with 10-36 of this Title.

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

Finding: Attached to this application is a Photometric Plan (Sheet C-6) detailing the proposed lighting scheme for the subject site. This narrative describes how the proposed development complies with 10-37 of this Title.

10-10-7: ATTACHED HOUSING:

A. Applicability: Single-family attached dwellings, duplexes, tri-plexes, and four-plexes are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Attached Housing standards shall apply.

B. Intent.

1. **To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.**
2. **To ensure that the overall size and visual impact of the attached development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.**
3. **To ensure minimal visual impact from vehicular use and storage areas for residents of the attached housing development as well as adjacent properties.**

C. Approval Criteria.

1. **Construction Criteria:**
   a. **Maintenance easement: No building permit shall be issued for an attached development unless the applicant provides a copy of a recorded easement from the owner(s) of contiguous properties providing for reasonable ingress, egress, and use of such properties for the purpose of maintaining, repairing and replacing the premises. The easement shall be in a form approved by the City Attorney.**

Finding: A maintenance easement will be recorded and submitted to the City prior to the issuance of building permits. This standard is met.

   b. **Number of attached units allowed: No more than 4 consecutive units that share a common wall or walls, roof, or foundation are permitted. A set of 4 attached units is allowed to be adjacent to a separate set of 4 attached units.**

Finding: The proposed development features attached units in combinations of three and four consecutive units. This standard is met.

2. **Dimensional Standards: In addition to the standards listed in 10-10-4, attached housing must meet the following:**
   a. **Interior side setback: Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet. This standard shall also apply to accessory structures**

Finding: A modification to the minimum setbacks and yard regulation has been requested through the Planned Unit Development section 10-23-5.H, which allows for the modification of the underlying zoning requirements, including setbacks. The proposed setbacks have been listed in the table below. The attached single-family units have a proposed interior side setback of three feet for the exterior wall not contiguous to an interior side lot line.

The modification requirements have been addressed within this narrative.

3. **Open Space: Developments of four (4) or more units shall provide and maintain open space for the use of all occupants. Open space shall have the following characteristics:**

a. **Not less than ten feet (10') in width or depth at any point.**
b. **Located on land with grade less than five percent (5%) slope.**
c. **Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.**
d. **Not used for temporary or regular parking of automobiles or other vehicles.**
e. **Includes at least one hundred (100) square feet of area for each dwelling unit.**
f. **Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.**
g. **Open space may be provided as private open space for single-family attached dwellings.**

Finding: The proposed development will provide 49 attached units, 46 multi-family units and 31 detached units. Based on one hundred square feet of area for each dwelling unit, 12,600 square feet of open space is required for the site.

The Planned Unit Development code provided in Chapter 10-23 requires that a PUD provide open space in the amount of 20 percent of the net site area. The subject site is 9.28 acres in size. Therefore, 80,847 square feet of open space is required. Of the required open space, 25 percent, or 20,212 square feet is required. The proposed development includes 84,118 square feet of provided open space, or 20.8 percent of the site area. A total of 32,094 square feet of recreation open space is provided, or 38.2 percent of the open space area. The proposed open space configuration is shown on the Master Plan: Open Space Plan (Sheet A-2).

The provided open space will not be less than ten feet in width or depth at any point. As shown on the Landscape Plan (Sheet L-2), a variety of recreation areas will be provided on site. The Central Green includes a children's play area, a pavilion, picnic areas, lawn, native grove and walking trails. Two pocket gardens will provide native plantings, walking trails and seating areas for residents. A series of garden courts which include lawn, walking trails, a shelter and picnic area. A small fenced dog park with a seating area has been provided at the south end of the site.

This standard is met.

4. **Architectural Details**
   a. **Approved exterior building wall materials:**
      i. **Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted**
      ii. **Vinyl siding is permitted if it meets the following standards:**
         1. **The style emulates lap siding, board and batten siding, shingles and/or shakes.**

2. **The vinyl is ultraviolet- and heat-stabilized.**
3. **Panels are a minimum thickness of 0.044 inches.**
4. **Soffit panels are a minimum thickness of 0.050 inches.**
5. **Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.**
6. **Siding is installed with sufficient space at openings, stops and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.**

iii. **Brick or stone masonry with a minimum 2 ½" deep solid veneer material**

iv. **Cement-based stucco**

v. **Secondary materials: Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when nonreflective and compatible with the overall building design, subject to approval. Secondary materials may be used on up to 30% of the façade.**

Finding: The proposed materials will include cementitious board and batten siding, coastal shingle, and cottage lap siding, which will be used in combination throughout the development. This standard is met.

b. **Single-family attached and duet dwellings shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the following options:**

i. **A covered porch or patio of at least sixty square feet with a minimum depth of five feet (5') between the main entrance and the street.**

ii. **Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet (3'), and not more than six feet (6'), from grade.**

Finding: The front entries have been located along central open space or a private street with a covered entry porch of at least sixty square feet with a depth of five feet between the main entrance and the street. All single-family attached dwellings will have rear-loaded garages accessible from private alleyways. This standard is met.

5. **Off-Street Parking: Attached Housing must meet all of the applicable standards outlined in Section 10-3 of this Title.**

Finding: The applicable standards in Section 10-3 have been addressed within this narrative.

6. **Fences: Attached Housing must meet all of the applicable standards outlined in Section 10-34-5 of this Title.**

Finding: The applicable standards in Section 10-34-5 have been addressed within this narrative.

10-10-9: Multi-family Dwellings:

A. **Applicability: Developments of five (5) or more attached residential units are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Multi-Family Dwellings standards shall apply.**

Finding: The proposed PUD features four multi-family buildings with either 11 or 12 attached residential units. The requirements of this section are applicable to the four multi-family buildings.

B. **Siting and Design Criteria:**

1. **Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty feet (30') except where buildings are arranged end to end. Except In such a case, there shall be at least a ten-foot (10') separation and no doorway or entry may open into the space between the buildings.**

Finding: The proposed multi-family buildings have been located to provide a minimum of 30 feet of separation between buildings. This standard is met.

2. **Public Facilities: In addition to requirements listed in Section 10-36 of this Title, the developer of a multi-family dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site.**

Finding: All utilities needed on the building site will be provided by the developer. This standard is met.

3. **Open Space: Developments of five (5) or more units shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:**
   a. **Not less than ten feet (10') in width or depth at any point.**
   b. **Located on land with less than a five percent (5%) slope.**
   c. **Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.**
   d. **Not used for temporary or regular parking of automobiles or other vehicles.**
   e. **Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)**

f. Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

Finding: The proposed development will provide 49 attached units, 46 multi-family units and 31 detached units. Based on one hundred square feet of area for each dwelling unit, 12,600 square feet of open space is required for the site.

The Planned Unit Development code provided in Chapter 10-23 requires that a PUD provide open space in the amount of 20 percent of the net site area. The subject site is 9.28 acres in size. Therefore, 80,847 square feet of open space is required. Of the required open space, 25 percent, or 20,212 square feet is required. The proposed development includes 84,118 square feet of provided open space, or 20.8 percent of the site area. A total of 32,094 square feet of recreation open space is provided, or 38.2 percent of the open space area. The proposed open space configuration is shown on the Master Plan: Open Space Plan (Sheet A-2).

The provided open space will not be less than ten feet in width or depth at any point. As shown on the Landscape Plan (Sheet L-2), a variety of recreation areas will be provided on site. The Central Green includes a children's play area, a pavilion, picnic areas, lawn, native grove and walking trails. Two pocket gardens will provide native plantings, walking trails and seating areas for residents. A series of garden courts which include lawn, walking trails, a shelter and picnic area. A small fenced dog park with a seating area has been provided at the south end of the site.

This standard is met.

4. Design Standards: Multi-family buildings must meet all applicable design criteria of FCC 10-6-6-4 and 10-6-6-5, with the following exceptions:

a. 10-6-6-4.G.

b. 10-6-6-5.F.2.

c. 10-6-6-5.G.3.

d. Vinyl siding may be permitted if it meets the following standards:

1. The style emulates lap siding, board and batten siding, shingles and/or shakes.

2. The vinyl is ultraviolet- and heat-stabilized.

3. Panels are a minimum thickness of 0.044 inches.

4. Soffit panels are a minimum thickness of 0.050 inches.

5. Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.

6. Siding is installed with sufficient space at openings, stops and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.

Findings: The Design standards of section 10-6-6-4 and 10-6-6-5 have been addressed within this narrative.

5. **Off-Street Parking: Mulfi-family development must meet all of the applicable standards outlined in Section 10-3 of this Title.**

Finding: The off-street parking requirements for the multi-family development have been addressed in Section 10-3 of this narrative.

6. **Fences: Multi-family development must meet all of the applicable standards outlined in Section 10-34-5 of this Title.**

Finding: The fencing requirements for the multi-family development have been addressed in Section 10-34-5 of this narrative.

Chapter 23 – Planned Unit Development (PUD)

10-23-1: PURPOSE: The Planned Unit Development authorization is intended to:

A. **Encourage the coordinated development of unplatted land.**
B. **Encourage innovative land utilization through a flexible application of zoning regulations.**
C. **Preserve the natural amenities of land and water.**
D. **Create opportunities for a wide variety of lifestyles by creating a variety of dwelling types that help meet the needs of all income groups in the community.**
E. **Provide for the efficient use of public utilities, services and facilities.**
F. **Result in a comprehensive development equal to or better than that resulting from traditional lot-by- lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.**

Finding: The Applicant proposes a residential Planned Unit Development (PUD) meeting the stated purposes of the PUD regulations. The site is of sufficient size as to warrant comprehensive planning rather than traditional lot-by-lot development. The Applicant proposes a variety of housing-types with flexibility in the placement and clustering of buildings, use of open space, circulation, parking and density to promote a safe, attractive, stable and efficient residential environment. The proposed public and private utilities and facilities have been shown on the attached Composite Utility Plan (Sheet C-8). This standard is met.

10-23-3: DEVELOPMENT OPTIONS: A PUD may include any of the following land uses, either singly or in combinations when they are compatible with each other and blend harmoniously with adjacent uses:

A. **For the Low Density Residential District:**
    a. **All uses permitted in the designated zoning district including uses requiring design review.**
    b. **Single-family attached dwellings.**
    c. **Duplexes, triplexes, and quadplexes.**
    d. **Multi-family dwellings.**

e. Open Space and Parklands (Ord. No. 2, Series 2011)

B. For all other districts:

a. All permitted uses in the designated zoning district including uses requiring design review.

b. Triplexes, quadplexes, and multiple-family dwellings.

c. Open Space and Parklands (Ord. No. 2, Series 2011)

d. Commercial uses.

e. Temporary use of vacant lots for RV use. (Ord 12, 1998)

Finding: The proposed development includes a combination of single-family detached homes, single-family attached homes and multi-family homes. All proposed uses are allowed within the RMH zone as a PUD.

10-23-4: GENERAL CRITERIA: Applicant must demonstrate that the development conforms to all the following criteria:

A. The proposed development shall be compatible with the general purpose and intent of the Comprehensive Plan.

Finding: The stated intent of the Florence Comprehensive Plan is to establish a coordinated land use planning process and policy framework to guide land use decisions and related actions; assure an adequate factual basis for those decisions and actions; and comply with the applicable requirements of state law.

The stated purpose of the Florence Comprehensive Plan is to provide the Florence City Council with a definite set of policies to guide future development of the community; Enable the Council to view specific projects against desirable long-range development decisions; Provide a suitable forum for public discussion; Convey community concerns regarding physical development problems and opportunities as they relate to social and economic issues; and Provide a framework by which standards may be applied to achieve a viable and aesthetically pleasing community.

The Florence Comprehensive Plan provides a framework for development within the City. The subject site has been designated Medium Density Residential (MDR) within the Comprehensive Plan. The corresponding zoning district is Mobile Home/Manufactured Home Residential (RMH). Modifications to the underlying zoning have been provided through the planned unit development process.

The Florence Comprehensive Plan encourages the use of residential planned unit development subdivisions noting that trade-off to conventional zoning requirements and density limitations may be required to achieve the purpose of a planned unit development (PUD). The proposed modifications and purpose of the planned unit development have been addressed within this narrative within the criteria listed in Chapter 23- Planned Unit Development (PUD).

The proposed development is consistent with the general purpose and intent of the Comprehensive Plan.

B. The location, design and size are such that the development can be well integrated

with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.

Finding: The proposed development will include a mix of single-family detached and attached homes and multi-family homes. The site has been designed to provide a gradient of uses and density, with the higher density residential uses provided adjacent to Rhododendron Drive, and the single-family detached homes provided along the boundary of the site, adjacent to the surrounding neighboring single-family detached homes. All proposed buildings will be two stories in height and designed to complement the existing neighboring residential developments. This standard is met.

C. The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.

Finding: A Traffic Impact Study has been provided under Appendix D which provides a detailed analysis of the existing traffic conditions adjacent to the site and the anticipated impact of the proposed development. The results of the analysis indicate that the proposed residential planned development can be constructed while maintaining safe and acceptable traffic operations. This standard is met.

D. The location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned utilities and services.

Finding: A Composite Utility Plan (Sheet C-8) has been provided under Appendix E, which details how the proposed development will be served by utilities and services. The proposed development will connect with the existing eight-inch water line in Rhododendron and an existing 12-inch sewer line in Rhododendron. Stormwater treatment for roof runoff will be provided within soakage trenches. Water quality and infiltration basins will be provided for all walkways, roadways and ground impervious surfaces on site. A Preliminary Drainage Report detailing the proposed stormwater system has been provided under Appendix E.

E. The location, design, size and uses will result in an attractive, healthful, efficient and stable environment.

Finding: The subject property is located within the existing city limits on fully developed roads. Existing utilities and services provide for efficient use of the land. The proposed residential Planned Unit Development (PUD) design includes a variety of housing-types with flexibility in the placement and clustering of buildings, use of open space, circulation, parking and density to promote a safe, attractive, stable and efficient residential environment.

10-23-5: DEVELOPMENT STANDARDS:

To ensure that a PUD fulfills the intent of this Chapter, the following standards and those of FCC 10-36 shall apply.

A. Minimum Size: Two (2) acres of contiguous land is the minimum for a PUD, unless the Planning Commission finds that a particular parcel of land less than two (2) acres is

suitable as a planned unit development by virtue of its unique character, topography, landscape features, or by virtue of its qualifying as a special problem area.

Finding: The subject site is 9.28 acres in size. Therefore, the site is suitable for a PUD. This standard is met.

B. Perimeter Yards: The Planning Commission may require a yard at least as deep as that required by the front yard regulations of the district adjacent to the PUD on any, or all, sides of the PUD. Such a perimeter yard does not qualify as open space unless the Planning Commission finds that such a dual purpose use of land is desirable.

Finding: The properties surrounding the subject property are zoned RMH. The primary front yard regulations in the RMH zone are 10 feet. The proposed PUD will have a perimeter yard of at least 10 feet on all sides abutting adjacent residential property and five feet on all sides adjacent to the right-of-way of existing roads.

This standard is met.

C. Off-Street Parking: The requirements for off-street parking and loading shall be in accordance with Chapter 3 of this Title. The Planning Commission may allow one parking space for single family dwellings in a PUD. Parking spaces or garages may be grouped together when the Planning Commission determines that such grouping of parking spaces, and the location thereof, will be accessible and useful to the residents, guests and patrons of the PUD. (Ord 12, 1998)

Finding: The proposed development will include 31 detached homes and 49 attached homes (five of which are one-bedroom units) requiring 160 parking spaces. The proposed apartments will provide 24 studio/one-bedrooms and 22 two-bedrooms, requiring 57 parking spaces. A total of 217 parking spaces are required on-site.

The detached and attached homes will provide parking within single or double car garages. Additional parking for the single-family detached homes will be provided on individual lots on parking pads located to the side of the homes. The multi-family apartments will provide a mix of covered (tuck-under) and uncovered parking adjacent to each of the buildings in surface parking lots. On-street parking provided on the private loop street will provide additional parking. In total, 262 parking spaces will be provided on site, exceeding the minimum requirement.

	Number of Parking Spaces
SFA Garage Spaces	93
SFD Garage Spaces	37
SFD Driveway Parking Spaces	25
Multi-Family Surface Parking	61
On-Street Parking (Private)	46
Total	262

D. Underground Utilities: All electrical, telephone, cable television, fire alarm, street light and other wiring, conduits and similar utility facilities and accessories shall be placed underground by the developer.

Finding: All new utilities necessary to serve the proposed development will be placed underground.

This standard is met.

E. Open Space: A minimum of 20% of the net development area shall be open space and must be platted for that purpose. (Easements are not acceptable). At least 25% of the 20% shall include an area designated and intended for recreation use and enjoyment. The required recreation area may be provided as:

- **Public dedication for use by public in general, and/or**
- **Property owned by the Home Owners Association (or other legal entity) for use by residents of the development.**

The recreation area may provide for passive and/or active recreational activities. Examples of passive and/or active recreational use include, but are not limited to, community gardens, common with amenities, and private parks. Recreation areas shall include high-quality and durable amenities and incorporate ADA accessibility features such as, but not limited to:

- **Indoor or outdoor recreation areas**
- **Play fields or outdoor playgrounds**
- **Indoor or outdoor sports courts**
- **Swimming pools**
- **Walking or running fitness courses**
- **Pedestrian and bicycle amenities meeting park industry durability standards**
- **Other recreation amenities determined by Planning Commission to fulfill the purpose of this Chapter.**

The recreational area is required to be developed to satisfy one or more recreational needs identified in the latest Florence Parks and Recreation Master Plan. If the Master Plan or Comprehensive Plan shows a need for public recreation area in the location of the PUD (such as a trail connection or neighborhood park), the recreation area shall be dedicated to the public. If the recreation area is not meeting a need for public recreation, the city may choose not to accept dedication of the recreation area. (Ord. No. 2, Series 2011)

1. **Open space will be suitably improved for its intended use, except that common open space (outside the required 25% of recreation use area) containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open spaces shall be appropriate to the uses, which are authorized for the open space.**

Finding: The subject site is 9.28 acres in size. Therefore, 80,847 square feet of open space is required. Of the required open space, 25 percent, or 20,212 square feet is required. The proposed development includes 84,118 square feet of provided open space, or

20.8 percent of the site area. A total of 32,094 square feet of recreation open space is provided, or 38.2 percent of the open space area. This standard is met.

The designated recreational space is broken up into three main zones; The Central Green, Dog Park and Pocket Gardens:

Central Green:
The Central Green is characterized as a linear park providing a multitude of uses. The most active zone to the north incorporates a pavilion area for sheltered picnicking accompanied by a children's playground. At the center of the green is a large lawn framed by rows of trees to allow for flexible uses. It is envisioned to support pick up sports, lawn games and lounge areas. The southern end of the green is design as a native grove, characterized by native trees and pockets of planting and surrounded by picnic areas. Connecting all of these spaces is a concrete loop trail to support exercise and walking.

Dog Park:
The dog park is focused around a fenced bark/lawn area to support dog training/play and relief. At the dog park entry, a paved area is provided to allow for ease of pet movement with areas for seating/viewing. The park is surrounded by a number of trees to help provide shade and visual interest.

Pocket Gardens:
Two pocket gardens are provided as contemplative spaces for the development. The Garden to the south is envisioned as a flower garden with bisecting walking trails to allow up-close viewing of the variety of plant species cultivated. Along the walking paths, seating opportunities are provided for rest. The garden to the northeast offers a center paved space for picnicking. This space is framed by native plantings and a ring of trees to provide shade.

This standard is met.

2. The development schedule which is part of the development plan shall coordinate the improvement of the open space and the construction of buildings and other structures in the open space with the construction of residential dwellings in the planned unit development.

Finding: The proposed development will be completed within a two-year timeframe as required by a planned unit development. The construction phase of the project will be divided into two phases, Phase 1a and Phase 1b.

Phase 1a will include a mix of site work and grading work, all multi-family buildings and associated parking areas, 15 single-family detached homes, and 31 single-family attached homes. Site work will begin in October 2020 and will be a seven-month construction period. Building work is scheduled to begin in February 2021 and will be a 12-month construction period. Phase 1a has been shown on Master Plan: Phase 1A (Sheet A-3).

Phase 1b will include 16 single-family detached homes and 18 single-family attached homes. Phase 1b will begin in February 2022 and will be a nine-month construction period. Phase 1b has been shown on Master Plan: Phase 1B (Sheet A-4).

This standard is met.

3. **If buildings, structures or other improvements are to be made in the open space, City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. In this case, the City Council shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.**

Finding: The proposed structures in the open space area include one central open-air pavilion approximately 12 feet by 20 feet is located at the northern end of the Central Green. Additionally, each Garden Court has an open air structure approximately 20 feet by 20 feet to support picnicking**.**

The applicant acknowledges that the City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. This standard is met.

4. **The following areas are not acceptable for recreation area required as part of a PUD: (Ord. No. 2, Series 2011)**
   a. **Hillsides over five (5) percent slope; (Ord. No. X, Series 2019)**
   b. **Land in the floodway, floodplain, or required riparian or wetland buffer, unless trails, benches, picnic tables and similar above are incorporated;**
   c. **Roadside ditches;**
   d. **Monument entry areas and central landscaped boulevards;**
   e. **Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events;**
   f. **Parking areas and road rights-of-way that are located within the parkland, open space, or common area, except for parking that is required specifically for use of the parkland;**
   g. **Yards, court areas, setbacks, or other open areas required by the zoning and building ordinances and regulations shall not be included in the computation.**

Finding: The proposed recreation areas within the open space will not include the items listed in subsection a-g above. This standard is met.

5. **A portion not to exceed 50% of open space and recreation area requirements may be met with a fee-in-lieu if the proposed PUD is within one quarter (1/4) mile of underdeveloped parkland as measured on public rights-of-way with reasonable pedestrian and bicycle connections to the parkland. The fee for**

open space shall be calculated by multiplying the sq. ft. of open space area being met with fee-in-lieu multiplied by the average square foot value of abutting real property as shown on the current Lane County assessment roll, less a percentage for easement retained for public use. The fee for recreation area will include the open space methodology and additional fee for improvements planned for the underdeveloped parkland as identified in the Florence Parks and Recreation Master Plan or in a City Council approved community park plan for that park.

Finding: The required open space and recreation area requirements will be met on site. A fee-in-lieu is not proposed for the development.

F. **Natural Resource Protection and Unique Land Forms: Development plans shall incorporate measures to preserve, enhance or protect significant natural resources or unique land forms where identified as part of a Phase 1 site investigation report. Areas designated for preservation or protection may count towards meeting the open space requirement but may not count towards meeting the recreation area requirement.**

Finding: The subject site does not have any mapped natural resource protection areas or unique land forms. The requirements of this section are not applicable.

G. **Mixed Uses, Unit Types, and Density: Where supported by the zoning district, development plans shall incorporate a mix of dwelling unit types and densities consistent with the base zone as well as a mix of residential, commercial, and recreational uses.**

Finding: The proposed PUD will include a mix of single-family detached units, single-family attached units and multi-family units. The proposed mix of unit types is consistent with the RMH base zone.

This standard is met.

H. **The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:**

Finding: The applicant has proposed the following modifications to the underlying standards of this code through the planned unit development process:

<u>Lot Width and Depth (Section 10-10-4.A)</u>

Development Type	Required Width	Proposed Width	Required Depth	Proposed Depth
Single-family detached	50 ft.	36 ft.	80 ft.	62 ft.
Single-family attached	25 ft.	24 ft.	80 ft.	60 ft.

Minimum Lot Area (Section 10-10-4.B)

Development Type	Required Minimum Lot Area	Proposed Minimum Lot Area
Single-family detached	5,000 sq. ft.	2,232 sq. ft.
Single-family attached	3,000 sq. ft.	1,464 sq. ft.

Setbacks (Section 10-10-4.D)

	Required Setback	Proposed Setback
Front:	10 feet	5 feet
Side: - Street - Detached Single-family - Attached Single-family	 5 feet 5 feet 0 feet and 5 feet	 5 feet 3 feet 0 feet and 3 feet
Rear: - Primary - Garage (alley-loaded)	 5 feet 20 feet	 3 feet 3 feet

Density (Section 10-10-4.E)

	Required Maximum Density	Proposed Maximum Density
Maximum average net density (units/acre)	12 units/net acre	13.6 units/acre

Parking Stall Size (Section 10-3-8.A.2)
Required parking/driveway dimension: 9 feet 6 inches wide by 19 feet long
Proposed driveway parking dimension: 8 feet wide by 19 feet long

Parking in Setback (Section 10-10-4.D-footnote 1)
"The required front and side yards shall not be used for clotheslines, incinerators, storage of trailers, boats and recreational vehicles or of any materials, nor shall said yards be used for the regular or constant parking of automobiles or other vehicles, except as permitted under 10-3-8-A.

The applicant has proposed a modification to allow a parking pad within the side yard setback for the single-family detached lots.

1. **High quality building design using of Old Town and Mainstreet Architectural Standards or higher standard**

Finding: The proposed buildings have been designed using the Downtown Architectural Design Standards provided in Chapter 10-6-6. Chapter 10-6-6 has been addressed within this narrative as it relates to the proposed building design. Conceptual elevations for the proposed buildings have been submitted under Appendix E. This standard is met.

2. **Incorporation of unique land forms into the final PUD design**

Finding: The subject site does not have any existing unique land forms that are able to be included in the final PUD design. The requirements of this section are not applicable to the proposed development.

3. More recreation space than the minimum required

Finding: Planned Unit Developments require that 25 percent of the required open space be provided as recreation space. The proposed development includes 84,118 square feet of provided open space, or 20.8 percent of the site area. A total of 32,094 square feet of recreation open space is provided, or 38.2 percent of the open space area. This standard is met.

4. On-site amenities reflecting the value for both active and passive recreational facilities

Finding: A variety of active and passive recreational facilities have been provided on the site. The Central Green includes a children's play area, a pavilion, picnic areas, lawn, native grove and walking trails. Two pocket gardens will provide native plantings, walking trails and seating areas for residents. A series of garden courts which include lawn, walking trails, a shelter and picnic area. A small fenced dog park with a seating area has been provided at the south end of the site.

The recreational areas support both active and passive uses. Active spaces provide opportunities for picnicking, children's play, dog play, pick-up sports, lawn games and exercise. Passive areas include garden viewing, walking, seating areas, and lounge.

This standard is met.

5. Natural resource protection, where identified as part of a preliminary site investigation report

Finding: The subject site does not have identified natural resources on site. The requirements of this section are not applicable.

6. A mix of dwelling unit types and densities

Finding: The proposed PUD will include a mix of single-family detached units, single-family attached units and multi-family units. The proposed mix of unit types is consistent with the RMH base zone.

This standard is met.

7. A mix of residential, commercial, and recreational uses, where zoning permits.

Finding: The proposed development features a mix of residential uses including multi-family, single-family attached and single-family detached. Recreation facilities for use of residents or guests as part of an approved PUD are allowed within the underlying zone and have been provided. Other commercial and recreational uses are not permitted on the site. This standard is met.

10-23-6: DEDICATION AND MAINTENANCE OF FACILITIES: The City may require that space be set aside, improved, conveyed or dedicated for the following uses:

A. Easement necessary to accommodate existing or proposed public utilities.

B. Streets, bikeways and pedestrian paths necessary for the proper development of either the PUD or adjacent properties.

C. Common open space, recreation facilities, parks and playgrounds necessary and appropriate for the owners, residents, patrons and employees of the PUD. Maintenance, repair, insurance and related obligations are the responsibility of either:

1. The developer; or

2. An association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

Finding: Easements will be provided for all public utilities on site. Streets, bikeways, pedestrian paths and all common open space will be provided in tracts and will be maintained by the association of owners or tenants. The requirements of this section have been met.

10-23-7: PROFESSIONAL DESIGN: The developer is required to employ a design team to ensure that the project is well planned, and to coordinate the process of application. The design team shall include an Architect or Engineer, a Landscape Architect, a Planner, a Surveyor, and in some cases, a Soils Engineer. Designation of a professional coordinator doesn't prohibit the owner from taking part in the process.

Finding: The design team includes an architect, engineer, landscape architect, planner, surveyor and a soils engineer. The contact information for each consultant has been provided within the general information section at the beginning of this narrative.

10-23-8: GENERAL PROCEDURES: There shall be a three-stage review process for all PUD's. The first step is the application conference, followed by preliminary development review and approval and final review.

10-23-9: APPLICATION CONFERENCE: An outline development plan accompanied by the application fee, shall be submitted to the Planning Commission by the owner(s) of the properties to be developed. The developer, or the designated professional coordinator, shall meet one or more times together with the Planning Commission's staff and determine whether the requirements of this Chapter have been fulfilled.

Outline Development Plan: An outline development plan shall include both maps and a written statement as described in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable.

1. The maps which are part of the outline plan may be in general schematic form, and shall contain the following information:

a. **The existing topographic character of the land.**
b. **Existing and proposed land uses and the approximate location of buildings and other structures.**
c. **The character and approximate density of the proposed buildings.**
d. **The approximate location of major thoroughfares.**
e. **General traffic flow patterns within the PUD.**
f. **Public uses, including schools, parks, playgrounds and other public open spaces.**
g. **Common open spaces and a description of the proposed use of these spaces.**

2. **The written statement which is part of the outline development plan shall contain the following information:**
   a. **An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.**
   b. **A statement of the present ownership of all the land included within the planned unit development.**
   c. **A general indication of the expected schedule of development.**
   d. **A preliminary site investigation report.**

Finding: A pre-application conference discussing the items listed above was held with the City and the design team on November 12, 2019.

10-23-10: PRELIMINARY APPROVAL: The Planning Commission shall hold a public hearing, and any continuance thereof, to discuss the PUD proposal. The public hearing shall not be held until the complete information listed below has been available for review by the Planning Commission's staff for at least thirty (30) days.

Preliminary Development Plan: A preliminary development plan shall be prepared and shall include the following information:

1. **A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.**
2. **Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi- public uses.**
3. **A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open spaces around buildings and structures, excepting private single-family lots in a residential PUD.**
4. **Elevation and perspective drawings of proposed structures.**
5. **A development schedule indicating:**
   a. **The approximate date when construction of the project can be expected to begin.**
   b. **The stages in which the project will be built and the approximate date**

when construction of each stage can be expected to begin.

c. The anticipated rate of development.

d. The approximate dates when each stage in the development will be completed.

e. The area, location and degree of development of common open space that will be provided at each stage.

6. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.

7. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking and landscaping.

a. An off-street parking and loading plan.

b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern shall be shown.

c. A landscaping and tree plan.

After the public hearing, the Planning Commission shall determine whether the criteria and general intent of this section have been fulfilled. The Planning Commission may require such changes and impose such conditions as they determine to be prudent and desirable. The Planning Commission may, at its discretion, authorize submission of the final plan in stages, corresponding to the different phases or elements of the development, after receiving evidence assuring completion of the entire project on schedule.

Finding: All required application materials for the preliminary development plan have been included in this land use application.

10-23-15: PHASED PLANNED UNIT DEVELOPMENT: A Planned Unit Development may be phased. No building permit shall be issued without receiving preliminary development plan approval as set forth in this section. When a PUD is phased, one preliminary development plan is approved by Planning Commission for the entire development, and final development plan for each individual phase is reviewed separately. Planning Commission shall approve a phased preliminary development plan, provided affirmative findings can be made that:

A. The proposed PUD meets the preliminary development plan requirements outlined in 10-23-1 through 10-23-10.

B. The proposed PUD includes the following elements:

1. A phasing plan that indicates the tentative boundaries of each phase, the sequencing of phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase

2. **Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.**
3. **Each phase will have public improvements that meet the infrastructure capacity requirements for the development and meet the requirements of City Code and city design standards.**
4. **Each phase is designed in such a manner that each phase supports the infrastructure requirements for the phased development as a whole.**

B. **If the approval of a final development plan for a phase of a phased PUD requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the phasing plan for the preliminary development plan shall be modified prior to approval of the final development plan.**

C. **If a phased PUD includes creation of a subdivision, the application may be processed concurrently.**

PUDs approved for multi-phased development may apply for final development plan approval by phase, in the following manner:

1. **The first phase of development shall apply for final development plan approval within two (2) years from the date of the preliminary development plan approval;**
2. **The second phase of development shall apply for final development plan approval within two (2) years after the final development plan approval of the first phase;**
3. **Subsequent phases shall file for final development plan approval within two (2) years after the final development plan approval for the preceding phase, with all phases filed within eight (8) years of the preliminary development plan approval.**

Finding: The proposed development will be completed within a two-year timeframe as required by a planned unit development. The construction phase of the project will be divided into two phases, Phase 1a and Phase 1b.

Phase 1a will include a mix of site work and grading work, all multi-family buildings and associated parking areas, 15 single-family detached homes, and 31 single-family attached homes. Site work will begin in October 2020 and will be a seven-month construction period. Building work is scheduled to begin in February 2021 and will be a 12-month construction period. Phase 1a has been shown on Master Plan: Phase 1A (Sheet A-3).

Phase 1b will include 16 single-family detached homes and 18 single-family attached homes. Phase 1b will begin in February 2022 and will be a nine-month construction period. Phase 1b has been shown on Master Plan: Phase 1B (Sheet A-4).

This standard is met.

Chapter 34 – Landscaping

10-34-2: LANDSCAPE CONSERVATION

10-34-2-1: Applicability. Except for single family homes and duplexes the provisions of this Section are applicable to all development sites which contain stands of Native Vegetation or specific Significant Vegetation, as defined below. "Development sites" do not include any street, alley, or public right-of-way.

10-34-2-2: Native Vegetation. "Native vegetation" means those plant species native to the Florence region that are listed as native on the suggested Tree and Plant List for the City of Florence, such as Shore Pine, Fir, Hemlock, Spruce, Native Rhododendron, Wax Myrtle, Kinnikinnick, Huckleberry and Salal. Preservation of existing native vegetation is strongly encouraged and preferred over removal of vegetation and re-planting. Existing native vegetation may be credited toward the landscape requirements of Section 10-34-3-3 if it is preserved in accordance with the following standards:

- **A. Living plant material covers a minimum of 70 percent of the area proposed for preservation;**
- **B. Preservation area(s) are a minimum of 30 square feet for any one area with dimensions a minimum of 5 feet on any side to ensure adequate space for healthy plantgrowth;**
- **C. Preservation area(s) are setback from new construction areas a minimum of 10 feet from new structures, and a minimum of 5 feet from new hard-surface areas (e.g. parking lot, walkways), and replanted with native vegetation if damaged during construction;**
- **D. The preservation area is clearly marked and identified for protection on the landscaping plan as well as on-site (e.g. construction fencing) prior to site disturbance.**
- **E. Existing noxious weeds within the preservation area are removed prior to approval of the installed landscaping; and**
- **F. Preservation areas with grade changes around the perimeter are addressed with appropriate transition or stabilization measures (e.g. retaining wall) to avoid erosion.**

10-34-2-1: Significant Vegetation. "Significant vegetation" means:

- **A. Native vegetation, or**
- **B. Plants within designated sensitive land areas such as wetlands, riparian areas, and slopes steeper than 40%, or**
- **C. Trees having a DBH of four (4) inches or larger measured 4½ feet above ground.**

10-34-2-1: Preservation Credit. The City may grant a "Preservation Credit" if existing significant vegetation on the site is preserved, in the form of a reduction of the overall landscape area and planting requirements of Sections 10-34-3-3. The City may authorize credits which effectively reduce the required landscaping if the following standards are met:

- **A. Significant vegetation species and areas to be preserved shall be mapped and flagged in support of the site development application. Significant trees shall be mapped individually and identified by species and diameter. Wetland resources shall have a**

current delineation approved by the Department of State Lands. Appropriate protection from construction damage shall be in place prior to site disturbance. For a "Burn to Learn" site, significant vegetation that can be saved shall be protected.

B. Native vegetation, wetland, riparian, and steep slope vegetation shall meet the standards set forth in Section 10-34-2-2 subsections A through F above.

C. Dead or diseased vegetation and split, leaning, or unstable trees shall not qualify as preserved vegetation.

D. Mature vegetation shall be trimmed and pruned as appropriate by qualified personnel to form a long-term element of the site landscaping.

E. Landscape credit for preserved significant vegetation areas shall be granted at the ratio of 2 to 1 (e.g. every one square foot of preserved significant vegetation shall be counted as two square feet in meeting the total specified landscape area for a site). However, in no case shall the requirement for actual landscaped area be reduced below 2/3 of the area that would be required with no credit.

F. Landscape credit for preserved trees shall be granted at the ratio of one less new tree planting for every two (2) inches diameter of preserved significant trees (e.g. a preserved tree of six inch diameter counts as three newly planted trees). This credit can be applied against required front yard, parking island, buffer, and/or street trees. However in no case shall this credit reduce the requirement for newly planted trees below 2/3 of the number that would be required with no credit. All preserved trees shall be protected from construction compaction or grade changes of more than six inches on the surface area in relation to the crown of the tree canopy.

Finding: The proposed development will not include the preservation of native vegetation on site; therefore, preservation credits are not requested.

10-34-3: LANDSCAPING

10-34-3-1: Applicability. Except for single-family 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.

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.

Finding: A landscape plan set (Sheet L1-L4) illustrating the information listed in Subsections A-G above has been submitted under Appendix E.

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.

3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.

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.

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

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

Finding: A total landscaping area of 132,269 square feet (32.7 percent) has been provided on site. The proposed plantings have been shown on the Planting Plan (Sheet L-3) submitted under Appendix E. This standard is met.

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).**
4. **<u>Non-plant Ground Covers.</u> 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.**

Finding: As identified on the submitted landscaping plan, all street trees and ground cover provided in this development will meet city standards. All plant materials have been selected for their appropriateness to the Site, drought tolerance and year-round greenery and coverage and staggered flowering periods. This standard is met.

B. <u>Existing Native Vegetation</u>. Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter.

Finding: The proposed development will not include the preservation of native vegetation on site.

C. Hardscape features, such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.

Finding: A total landscaping area of 132,269 square feet has been provided on site. The total hardscape feature area is 12,962 square feet, or 9.8 percent. The proposed plantings have been shown on the Planting Plan (Sheet L-3) submitted under Appendix E. This standard is met.

D. Storm Water Facilities. Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count toward meeting the landscaping requirement of this section if they are designed and

constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water- tolerant, native plants.

Finding: As shown on the Planting Plan (Sheet L-3), the proposed stormwater facilities will be landscaped with water-tolerant native plants. This standard is met.

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.

Finding: Underground Irrigation consistent with the requirements of this section will be provided on the site, except for the single-family lots, which are exempt from this section. This standard is met.

10-34-3-6: Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:

A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;

B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the *Tree and Plant List for the City of Florence* installed per island;

C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;

D. Irrigation is required for interior parking lot landscaping to ensure plant survival;

E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and

F. Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.

Finding: The proposed parking lots within the multi-family development will be provided as tuck-under parking with the second-floor building overhang providing cover of the parking spaces. Landscaping is not proposed within the tuck-under parking areas. Where surface parking is provided without building overhang cover, landscape islands have been provided consistent with the requirements of this section. This standard is met.

10-34-3-7: Buffering and Screening. Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements

and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

A. <u>Parking/Maneuvering Area Adjacent to Streets and Drives.</u> Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-7-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year- round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

Finding: The proposed tuck-under parking will be visibly screened from the street by the proposed buildings. Where surface parking is provided, landscape screening from the street will be provided. This standard is met.

B. <u>Parking/Maneuvering Area Adjacent to Building.</u> Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

Finding: The parking areas adjacent to the multi-family buildings have been separated from the buildings with a curb and raised walkway a minimum of five feet in width. This standard is met.

C. <u>Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required</u>. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. **a decorative wall (i.e., masonry or similar quality material),**
2. **evergreen hedge,**
3. **opaque or sight-obscuring fence complying with Section 10-34-5, or**
4. **a similar feature providing an adequate screen.**

Finding: All mechanical equipment will be located within the buildings. The screening requirements of this section are not applicable.

D. <u>Abutting Land Use Buffers</u>. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line, consistent with the standards listed in the table below. In no case shall the buffer strip

be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

Finding: The subject site is located within a residential district. The proposed residential use is compatible with the surrounding residential uses. The requirements of this section are not applicable to the proposed development.

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).

Finding: The applicant acknowledges that the maintenance of the required on-site landscaping is the responsibility of the property owner.

10-34-4: STREET TREES: Street trees are trees located within the right-of-way.

A. Street Tree List. Trees shall be selected from the *Tree and Plant List for the City of Florence* based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Other tree species are allowed with City approval.

B. Caliper Size. The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one half (1 ½) inches with a high graft (lowest limb a minimum of 5 foot high from the ground) to ensure pedestrian access.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-14.

D. Soil Preparation, Planting and Care. Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soil-

compost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

Finding: Street trees have been provided along both sides of the proposed private street spaced an average of 25 feet on-center. A mix of tree species has been provided to create diversity and marking crossings and zones within the development. All of the proposed street trees have been selected from the *Tree and Plant List for the City of Florence* and will meet the caliper size standards. This standard is met.

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.

C. The following exceptions may be allowed through Type I, II or III Review.

1. Specifically for RV parking in residential zones, the height of fences and walls shall not exceed eight (8) feet in the rear and side yards.

2. A retaining wall exceeding four (4) feet in height within a front yard setback which is necessary for site grading and development (see also FCC 10-34-5-D-3).

3. One arbor, gate, or similar garden structures not exceeding eight (8) feet in height and six (6) feet in width is allowed within the front yard, provided that it is not within a required clear vision area. Courtyard walls up to 6 feet in height may also be allowed in the front yard.

4. Walls and fences for swimming pools, tennis courts, and other recreational structures may exceed six (6) feet provided they are not located in the front yard.

5. **Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.**

D. **Specific Requirements**

1. **Walls and fences to be built for required buffers shall comply with Section 10-34-3-7.**
2. **Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-14.**
3. **Retaining walls exceeding four (4) feet in height and freestanding walls or fences greater than seven (7) feet in height require a building permit**
4. **Sheet Metal Fencing (as permitted) shall meet the following criteria:**
   a. **Must have appropriate weatherization coating to address vulnerability to rust in Florence's coastal climate.**
   b. **Must be installed and maintained as per warranties to ensure longevity. Warranty documentation must be submitted to the Planning Director before approval.**
   c. **Shall be maintained in good condition (rust and hole free, non-peeling, and absent of similar signs of disrepair), or otherwise replaced by the property owner.**
   d. **Sheet metal fencing, due to its manufacturing design, will be either horizontally or vertically dominant depending on the manner of installation. To break up the dominant vertical or horizontal orientation, the fence design along streets shall incorporate variable architectural detail. This can be accomplished through one or more of the following a minimum of every eight (8) feet;**
      1. **Addition of vertical siding trim strips and cap trim of colors different yet complimentary to the fence color.**
      2. **Change in orientation of sheet metal.**
      3. **Vertical offsets (staggered fence line).**

E. **Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.**

F. **Materials.**

1. **Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.**
2. **Materials permitted with Administrative Design Review: Sheet metal is permitted within the Limited Industrial District with Administrative Design review Approval.**
3. **Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller than eight (8) feet. Sheet metal is prohibited within all districts except the Limited Industrial District.**
4. **Barbed wire fencing may be permitted only within commercial and industrial**

zones or on public property subject to the criteria in FCC 6-1-7-14.

Finding: The residential lots will have a six-foot tall cedar perimeter fence. The internal fencing at the dog park will be welded wire panels with wood framing. This standard is met.

Chapter 35 – Access and Circulation

10-35-2: VEHICULAR ACCESS AND CIRCULATION:

10-35-2-5: Traffic Study Requirements: The City may require a traffic study prepared by an Oregon registered professional engineer with transportation expertise to determine access, circulation, and other transportation requirements in conformance with FCC 10-1-1-4-E, Traffic Impact Studies.

A. The Traffic Impact Study shall:

1. **Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.**
2. **Utilize the analysis procedures of the Highway Capacity Manual, latest edition.**
3. **Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.**
4. **Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.**
5. **Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city's adopted Level-of- Service standards. The study shall also propose funding for the proposed mitigation measures.**

Finding: A traffic study addressing the requirements listed above has been provided under Appendix D of this land use application. This standard is met.

B. The applicant shall consult with City staff to determine the content and level of analysis that must be included in the TIS. A pre-application conference is encouraged.

Finding: A pre-application conference was held with the City. The traffic study addresses the requirements discussed in the pre-application conference.

C. Conditions of Approval: The City may deny, approve, or approve a development proposal with appropriate conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval should be evaluated as part of the land division and site development reviews, and may include but are not limited to:

1. **Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.**
2. **Access adjustments, where proposed access points do not meet the designated access spacing standards and/or have the ability to align with opposing access driveways.**
3. **Right-of-way dedications for future improvements.**

4. **Street improvements.**
5. **Turn restrictions such as "right in right out".**

Finding: The applicant acknowledges that the City may propose conditions of approval as needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system.

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.

Finding: The applicant acknowledges that the City may propose conditions of approval as needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation 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	**30 feet**
Arterial Street	**50 feet**

B. Where the City finds that reducing the separation distance is warranted, such as:

1. **no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or**
2. **planned improvements or traffic circulation patterns show a different location to be efficient and safe,**

the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).

C. Access to and from off-street parking areas shall be designed to prevent backing onto

a public street, except that single-family and duplex dwellings are exempt.

Finding: The subject site consists of a single private loop street. Access to the single-family homes is provided through a series of private alleyways. Access to the multi-family homes is provided through a surface-level access drive connecting to a shared parking area. All on-site alley driveways have been located over 50 feet from Rhododendron Drive. All access driveways connecting to the newly created private loop drive have been spaced more than 15 feet apart. All on-site access has been designed to prevent backing onto a public street. This standard 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.

Finding: The proposed development has been designed around a single private loop street. Access to the individual units has been provided through a series of private alleyways. The proposed private street system will function as a local street. Access onto an arterial or collector is not proposed. This standard is met.

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.

Finding: A Parking and Circulation Plan (Sheet C-5) has been provided detailing the proposed circulation system on the site. A Transportation Impact Study has been submitted under Appendix D providing analysis about the expected traffic on site. The site has been designed to adequately serve the expected traffic. This standard is met.

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

A. For shared parking areas;

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

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

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

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

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

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

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

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

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

Finding: Joint and cross access is not proposed on the site. The requirements of this section are not applicable to the proposed development.

10-35-2-12: Driveway Design: All openings onto a public right-of-way and driveways shall conform to the following:

A. **<u>Driveway Approaches.</u> 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.**

Finding: All driveway approaches have been designed and located to conform with the City's spacing and design standards. This standard has been met.

B. **<u>Driveways.</u> 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 (10) feet and not more than twenty-four (24) feet. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.**
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.**
3. **Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.**
4. **One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).**
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.

Finding: The proposed street network will feature a private loop road, which intersects with Rhododendron in two locations. The interior of private loop road is broken into smaller blocks with an alley network. All proposed private alleys have been designed with a 20-foot right-of-way and 16 feet of pavement. Access to the single-family lots will be from the private alleyways. All residential driveways will be a minimum of 10-feet in width. Driveway grades will not exceed 15 percent. This standard is met.

C. **<u>Driveway Apron Construction</u>. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10- 35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.**

Finding: The intersections of the private loop road and Rhododendron Drive have been designed to meet street intersection standards. Driveway aprons are not provided on Rhododendron. Driveway aprons have been provided where the proposed alleyways intersect with the private loop road. The driveway aprons have been designed to meet the requirements of this section.

D. **Fire access lanes with turnarounds shall be provided in conformance with the Fire code. Except as waived in writing by the Fire Code Official, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed aisle width of 20 feet and turn-around area for emergency vehicles. The fire lanes shall be marked as "No Stopping/No Parking." See figure 10-35(3) for examples of fire lane turn-rounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.**

Finding: The proposed private loop street and alley circulation system has been reviewed and preliminarily approved by the Siuslaw Valley Fire and Rescue Fire Code included under Appendix B. This standard is 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.

Finding: All proposed driveways, private streets, aisles, and turn-around areas will have a minimum vertical clearance of 13' 6" for their entire length and width. This standard 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 ½') 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:

A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet(20').

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

C. At the intersection of internal driveways, 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 10-2-13 of this Title for definition.

Finding: The proposed development maintains all required vision clearance setbacks, as demonstrated on the submitted plans. This standard is met.

10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

10-35-3-1: Sidewalk Requirements:

A. <u>Requirements</u>: 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.

2. Upon any redevelopment of property that expands the building square footage by 25% or more.

3. Upon any change of use that requires more than five additional parking spaces.

B. <u>Exceptions</u>: The Planning Commission may issue a permit allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements when, in the Planning Commission's determination through a Type 3 process, the construction of a sidewalk is impractical for one or more of reasons 1 through 4 below. The Public Works Director may issue a permit allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements for reason 5 below:

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. <u>Appeals:</u> 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. <u>Timing:</u> 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.

Finding: A 10-foot wide shared multi-use path will be provided along the frontage of Rhododendron Drive, consistent with the City of Florence Transportation System Plan. Sidewalks will be provided along both sides of the private loop road and will connect to the internal circulation system which will provide direct access to all building entrances and recreation areas. This standard is met.

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. <u>Continuous Walkway System.</u> 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.

Finding: Sidewalks will be provided along both sides of the private loop road and will connect the multi-use path on Rhododendron to the internal circulation system which will provide direct access to all building entrances and recreation areas. This standard is met.

B. <u>Safe, Direct, and Convenient.</u> 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. <u>Reasonably direct</u>. 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. <u>Safe and convenient</u>. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

3. "<u>Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings</u> is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

4. "<u>Primary entrance" for residential buildings</u> is the front door (i.e., facing the street). For multifamily buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

Finding: The internal circulation system will be reasonably direct, free from hazards and provide access to all primary building entrances on site. This standard is met.

C. <u>Connections Within Development.</u> 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);**
2. **Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and**
3. **For large parking areas with 80 or more parking spaces and depending on the layout of the parking lot, the City may require raised walkways a minimum of 5 feet wide to provide pedestrian safety.**

Finding: The internal circulation system will provide direct access to all building entrances, on-site parking areas, storage areas, recreation facilities and common areas. The internal circulation system will connect with the proposed multi-use path on Rhododendron Drive. This standard is met.

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):

A. <u>Vehicle/Walkway Separation.</u> Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

Finding: All walkways abutting streets or driveways will be separated from the street by a six inch curb. This standard is met.

B. <u>Pedestrian Crossing.</u> Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.

Finding: All pedestrian crossings will be clearly marked with contrasting materials. This standard is met.

C. <u>Width and Surface.</u> 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)

Finding: All walkway surfaces will be constructed of a durable surface, as approved by the Public Works Director, and will be at least five feet wide without a curb. The multi-use path along Rhododendron Drive will be ten feet wide. This standard is met.

D. <u>Accessible routes.</u> 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.

Finding: All walkways and multi-use paths will conform to applicable ADA requirements. Ramps will be provided where walkways intersect with driveways and streets. On-site walkways will provide direct routes to primary building entrances. This standard is met.

10-35-4: Transit Facilities: Proposed uses other than single-family residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

A. If the proposed uses are located on a site within ¼ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

B. Proposed development must accommodate on site any existing or planned transit facility, if identified in the Community Transit Plan, through one or more of the following:

1. **Provide a transit passenger landing pad accessible to disabled persons.**
2. **Provide an easement or dedication of land to accommodate passenger seating or shelter if requested by the transit provider.**
3. **Provide lighting at the transit facility meeting the requirements of Title 10-37.**

Finding: The subject site is not located within ¼ mile of an existing or planned transit stop. The requirements of this section are not applicable.

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10-36-2: STREET STANDARDS:

10-36-2-1: Development Standards: The following standards shall be met for all new uses and developments:

A. All new lots created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation must have street frontage and approved access to a street.

Finding: The proposed development features a single private loop road which connects with Rhododendron Drive. All lots will front onto shared open space with rear alley access.

B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.

Finding: Frontage improvements on Rhododendron Drive will be provided consistent with the requirements of the Transportation System Plan and the provisions of this chapter.

C. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.

Finding: Frontage improvements on Rhododendron Drive will be provided consistent with the requirements of the Transportation System Plan and the provisions of this chapter. The proposed private street will be improved in accordance with this section.

D. All new public streets and alleys shall be paved per the City of Florence Standards and Specifications document. Alleys may also be improved with porous concrete, porous asphalt, permeable pavers such as turf concrete, brick pavers or other materials approved by the City. The City does not maintain alleys.

Finding: All new streets and alleys will be paved per the City of Florence Standards and Specifications.

10-36-2-2: Improvement Guarantee: The City may accept a future improvement guarantee (e.g., non-remonstrance agreement, which certifies that the owner and their successors will not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

A. A partial improvement does not create a potential safety hazard to motorists, bicyclists, or pedestrians.

B. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, reduce street safety or capacity.

C. The improvement would be in conflict with an adopted capital improvement plan.

Finding: The proposed development will include all required frontage improvements on Rhododendron Drive. A future improvement guarantee is not proposed.

10-36-2-3: Creation of Rights-of-Way for Streets and Related Purposes: Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be recorded, and provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Florence Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

Finding: The proposed development will utilize a private street system on-site. New right-of-way for streets will not be created through this development. This standard is met.

10-36-2-4: Creation of Access Easements: The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code and the City of Florence Standards and Specifications.

Finding: The proposed private street and alley network will be located within a tract. Access easements are not proposed on the site. The requirements of this section are not applicable to this development.

10-36-2-5: Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.

A. Street right-of-way and pavement widths shall be based on the following cross section standards. See individual zoning chapters for additional requirements regarding sidewalk width (for sidewalks wider than the standard 5 feet).

B. Modifications to the street standards identified in section A, above, may be made pursuant to Title 11 Chapter 7. Considerations based on the existing conditions along with the following factors would be reviewed as part of determining a hardship or meeting the purpose of Title 11:

1. **Street classification in the Transportation System Plan**
2. **Anticipated traffic generation**
3. **On-street parking needs**
4. **Pedestrian and bicycle requirements based on anticipated level of use**
5. **Requirements for placement of utilities**
6. **Street lighting**
7. **Minimize drainage, slope, and sensitive lands impacts**
8. **Street tree location, when provided**
9. **Protection of significant vegetation, as provided for in Chapter 34**
10. **Safety and comfort for motorists, bicyclists, and pedestrians**
11. **Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided**
12. **Access needs for emergency vehicles**
13. **Transition between different street widths (i.e., existing streets and new streets)**
14. **Driveway Off-sets**
15. **Curve Radii**
16. **Queuing Factors**

C. Partial street improvements may be accepted only in the case of a collector or arterial street and only when requiring a full-width street improvement can not be justified based on the proportionate impact of the development on the transportation system. Where a less than full street is allowed, the minimum total paved width shall provide for two travel lanes, and for bicycle lanes if warranted.

Finding: Frontage improvements will be provided on Rhododendron Drive to provide a 10-foot-wide multi-use path consistent with the requirements of the Transportation System Plan. The internal circulation system will consist of a private street and private

alley network, which have been designed to meet applicable fire access codes. This standard is met.

10-36-2-6: Cul-de-sacs: A cul-de-sac street shall only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

Finding: The proposed development does not include a cul-de-sac street. The requirements of this section are not applicable to this development.

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.

Finding: All proposed private alleys have been designed with a 20-foot right-of-way and 16 feet of pavement. Grades of the alleys will not exceed 12 percent. This standard is met.

10-36-2-8: Private Streets: Private streets shall conform to City standards of construction and shall include sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter or the Transportation System Plan. Legal assurance for construction and maintenance shall be required of the developers and owners. Private streets shall connect with public streets to complete the City's transportation system grid where practical.

Finding: The proposed private street has been designed to conform to City standards of construction and will include sidewalks. This standard is met.

10-36-2-9: Street Location and Connectivity: Planned streets shall connect with surrounding streets to permit the convenient movement of traffic and to facilitate emergency access and evacuation. Proposed streets or street extensions shall be located to provide access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

A. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Section, or

B. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to and to logically extend the street system into the surrounding area. All street stubs over 150 feet in length shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshal, and the restoration and extension of the street shall be the

responsibility of any future developer of the abutting land.

1. **These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.**
2. **Developer shall install a Type III barricade at the end of the street. The barricade shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street.**
3. **Temporary street ends shall provide turnarounds (e.g., hammerhead or bulb-shaped configuration) constructed to Oregon Fire Code standards for streets over 150 feet in length.**

Finding: The neighboring properties have been fully developed and do not provide for a through connection to neighboring streets. This standard is met.

C. **<u>Mid-Block Connection/Multi-use Path Standards.</u> Where a street connection in conformance with the maximum block length standards in Section 10-36-2-10 is impracticable, a multi-use path shall be provided at or near the middle of a block in lieu of the street connection, as generally shown in Figure 10-36(2). The City may also require developers to provide a multi-use path off a cul-de-sac. Such pathways shall conform to all of the following standards:**

1. **Multi-use paths shall be no less than ten (10) feet wide and located within a twenty (20)- foot right-of-way or easement allowing public access and, as applicable, emergency vehicle access.**
2. **If the streets within the subdivision or neighborhood are lighted, all pathways in the subdivision shall be lighted. Pathway illumination shall provide at least two (2)-foot candles and shall meet all other requirements in Title 10-37.**
3. **All pathways shall conform to applicable ADA requirements unless precluded by topographic conditions.**
4. **The City may require landscaping, walls or terraces as part of the required pathway improvement to buffer pedestrians from adjacent vehicles, or to screen pathways from view of adjacent residences.**

Finding: A 10-foot wide multi-use path is proposed by the City of Florence along Rhododendron Drive. The neighboring properties have been fully developed and do not provide for a through connection to neighboring streets. This standard is met.

10-36-2-10: Block Length and Block Perimeter: In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway):

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

Finding: The proposed street network will feature a private loop road, which intersects with Rhododendron in two locations. The interior of private loop road is broken into

smaller blocks with an alley network, creating three interior blocks, none exceeding a 1,400-foot block perimeter length. The exterior area of the private loop road has been divided using private alleyways. The neighboring properties have been fully developed and do not provide for a through connection to neighboring streets. This standard is met.

10-36-2-11: Traffic Controls:

A. Traffic signals/roundabouts shall be required with development when traffic control warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. Traffic signal/roundabout design shall be approved by City Engineer. The developer's financial responsibility and the timing of improvements shall be included as part of the development approval.

B. Traffic controls on roads under State jurisdiction shall be determined by the Oregon Department of Transportation. Traffic controls on roads under Lane County jurisdiction shall be determined by Lane County.

C. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

D. Where the City TSP identifies future traffic signals, additional right-of-way shall be provided at the intersection to accommodate the signal apparatus.

Finding: The proposed development does not require traffic controls or calming features. This requirement is not applicable to this development.

10-36-2-12: Medians: The use of landscaped medians improve community appearance, helps maintain system mobility and reduces the effects of wide street widths to all modes of travel. Medians will be landscaped with water efficient plant materials unless otherwise indicated below.

A. At intersections where left turn pockets are constructed, the 16-foot wide median will transition to an 11-foot wide left turn lane with a five-foot pedestrian refuge median separating the left turn lane from oncoming traffic. Intersections and access must comply with Chapter 35, Access and Circulation.

B. Medians on roads under State jurisdiction shall be determined by the Oregon Department of Transportation.

Finding: The proposed development will not utilize medians. The requirements of this section are not applicable to the proposed development.

10-36-2-13: Street Alignment, Radii:

A. On Arterial and Collector Roadways, intersections shall be spaced at a minimum of 250 feet, as measured from the centerline of the street.

B. On Local Streets, street centerlines at intersections may not be offset by more than two feet. Intersections shall be spaced at a minimum of 125 feet, as measured from the centerline of the street.

C. Corner curb return radii shall be at least thirty-five (35) feet on Arterial Streets and at least twenty (20) feet on other streets, except where smaller radii are approved by the Public Works Director. Larger Radii may be required by the Director to accommodate emergency and freight vehicles.

Finding: Rhododendron is classified as a minor arterial. The intersections of the loop road with Rhododendron have been spaced 265 feet apart, and 339 feet from the intersection with 35th Street. This standard is met.

10-36-2-14: Intersection Angles: Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case shall the centerline angle be less than 80°; elbow or knuckle corners are not allowed (see Figures 10-36(3) and (4) for illustrations). In addition, the following standards shall apply:

A. Streets design shall provide a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way unless a lesser distance is approved by the Public Works Director (see Figure 10-36(5) for illustration).

B. Intersections that are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle.

Finding: All proposed streets have been designed to intersect at as near to a right angle as practicable. The private street has been designed to provide a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way. This standard is met.

10-36-2-15: Grades and Curves: Unless otherwise approved by the City due to topographical conditions, grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on all other streets. Grades in excess of 10% require Fire Code Official approval.

A. Centerline curve radii shall not be less than 700 feet on arterials, 350 feet on collectors, or 100 feet on other streets.

B. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging 5% slope or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement. See Figure 10-36(6) for example.

C. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be subject to the approval of the Public Works Director.

Finding: As shown on the Grading and Erosion Control Plan (Sheet C-7), grades will not exceed 12 percent on the proposed streets. The internal circulation system consists of a private street loop and private alley system. The private loop road will have a centerline curve radius of 60 feet in one location. The intersection of the private street with Rhododendron Drive will have a landing that does not exceed five percent slope. This standard is 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.

Finding: Sidewalks have been provided along both sides of the private loop road. A shared pedestrian multi-use pathway is proposed along the frontage of Rhododendron Drive, consistent with Florence's Transportation System Plan. This standard is 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.

Finding: The development includes a proposed right-of-way dedication along Rhododendron Drive to provide for the proposed shared use path along the frontage, consistent with Florence's Transportation System Plan. This standard 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:

A. Curb exposure shall be per City Standards and Specifications.

B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.

C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.

Finding: All proposed curbs have been designed to meet the City of Florence Standards and Specifications and are consistent with the requirements of this section.

10-36-2-19: Street Names: The developer shall submit proposed street names to the City of Florence Community Development Department for review and submittal to the Lane County Road Naming Committee for approval prior to recording final plat. No new street name shall be used that duplicates or could be confused with the name of an existing street in the County. Street names shall be in conformance with FCC 8-2-1-1.

Finding: The proposed street names will be submitted to the City for review prior to recording the final plat.

10-36-2-20: Survey Monuments: Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been re-established.

Finding: The applicant acknowledges that it is the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been re-established.

10-36-2-21: Street Signs: The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developer and shall be installed as part of the street system developed and approved through the land use process. Signs shall be installed by developers per City of Florence Standards and Specifications.

Finding: The applicant acknowledges that it is the responsibility of the developer and shall be installed as part of the street system developed and approved through the land use process.

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

Finding: Group mailboxes will be provided for each group of detached houses and in two locations for the attached housing. The multi-family housing will be served by group mailboxes within the covered breezeway stairs. All proposed mailbox plans will be approved by the United States Postal Service. This standard is met.

10-36-2-23: Street Light Standards: Street lights shall be provided in all developments within the City and shall be provided in accordance with Resolution 16, Series 1999. The Planning Commission during site design review may add street lights at other locations and authorize specific exceptions to the above priorities when necessary in order to enhance the public safety and welfare; actual locations may be varied slightly depending on placement of Central Lincoln PUD poles. Streetlights shall be installed in accordance with City of Florence Standards and Specifications. Where a private street intersects a public street, a street light shall be installed.

Finding: All proposed street lighting has been shown on the Photometrics Plan (Sheet C-6) and is consistent with the requirements of this section.

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 and5, 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.

Finding: A Composite Utility Plan (Sheet C-8) has been submitted under Appendix E which illustrates the proposed sewer, water and storm water design for the site. This standard is met.

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.

Finding: The subject site is not traversed by a watercourse, drainage way, channel, or stream. The requirements of this section are not applicable.

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/orStorm 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.

Finding: Oversizing of the sewer, water, or storm drainage systems is not required as a part of the development.

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.

Finding: The proposed development will conform to the applicable provisions of the Oregon Fire Code. Verification of existing and proposed water service mains and hydrant flow supporting the site will be provided. This standard is met.

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.

Finding: The site can be adequately served by the existing water, sewer and stormwater system. This standard is met.

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.

Finding: The applicant will obtain all necessary permits for the proposed development.

10-36-5: UTILITIES:

A. Underground Utilities:

1. <u>Generally.</u> 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. <u>Subdivisions.</u> 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.

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.

Finding: All new utility lines will be located underground, as shown on the Composite Utility Plan (Sheet C-8). This standard is met.

10-36-6: EASEMENTS:

A. Provision: Dedication of easements for storm water, sewers, water and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public

utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title. Easements for utility lines shall be not less than fifteen feet (15') in width and the utility shall be located in the center of the easement. Before a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require an additional five foot (5') easement for utility lines along street frontages when necessary.

B. Recordation: As determined by the City all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat.

Finding: Easements will be provided for all public utilities on site. All proposed utility easements have been shown on the Composite Utility Plan (Sheet C-8).

10-36-9: PARKLANDS:

A. Purpose: For the purpose of promoting health, safety, and the general welfare of City residents, this section provides for the provision of parkland for recreational opportunities and/or open space for passive recreational use for Florence residents. The parkland provision serves the following specific purpose:

1. To address the Community Needs identified in the Florence Parks and Recreation Master Plan (Master Plan) and to ensure that park land and open space are provided to meet the needs of residents of new residential developments.

B. Parklands:

1. Developers are encouraged to work with the City to identify parkland facilities proposed in their service area. If the City has an interest in acquiring a portion of a proposed land division or development, or if the City has been advised of such interest by another district or public agency, and there is reasonable assurance that the steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

2. Areas smaller than one acre for new public parkland is generally impractical. If less than one acre of public parkland is proposed, the dedication should add on to an existing park area within or adjacent to the development site or provide some special public benefit acceptable tot eh city such as a trail connection.

C. Standards for Parkland:

1. <u>Ownership and Maintenance Requirements.</u> Land provided for parkland shall be owned and maintained in one or more of the following ways:

a. Dedicated to, and accepted by, the City;

b. Privately owned, developed, and maintained by the property owner or

Home Owners Association;

c. **Owned and maintained by a land conservation entity, such as The Nature Conservancy;**

d. **Accessible to the public through a public easement.**

Finding: The subject site is not located within an area that has been identified as a Residential Area Under-Served by Community Parks on Figure 4.4 Community Park Service Areas map within the Parks and Recreation Master Plan. The proposed open space and recreation areas on site will be under private ownership. This standard is met.

Chapter 37 – Lighting

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.

Finding: A Photometrics Plan (Sheet C-6) consistent with the requirements of this section has been submitted under Appendix E of this land use application.

10-37-4: LIGHTING STANDARDS:

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.**

B. **Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.**

C. **Lighting in or adjacent to residential zones or residential uses shall not exceed twenty feet in height as measured from the adjacent grade to the top of the light fixture. Heights in other zoning districts shall not exceed 25 feet unless the Design Review Board adopts findings that the higher light fixtures are necessary to achieve proper illumination levels.**

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.**

E. **A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.**

F. **All externally lit commercial signs should shine from the top and point down toward**

the ground. Signs with uplighting must be shielded so that illumination is restricted to the sign face and glare is eliminated.

G. Lighting for roadway signs and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

Finding: A Photometrics Plan (Sheet C-6) consistent with the requirements of this section has been submitted under Appendix E of this land use application.

10-37-5: EXEMPTIONS:

A. Exterior light fixtures, except Mercury Vapor lights, lawfully installed prior to and operable on the effective date of the requirements codified in this Ordinance except as follows:

1. All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provision of this ordinance.

2. Until a date ten years after the date of the adoption of this ordinance.

B. Lighting within public right-of-way or easement for the purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.

C. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels.

D. Carnivals, fairs and temporary events that require the use of exterior lighting require a special events license. Permanent installations at dedicated sites must conform to the requirements of this Ordinance.

E. Seasonal Holiday Lighting - Lights used for decorating during holidays or festivals as defined in this code section and may be blinking or flashing.

F. Lighting for a properly displayed U.S. flag is exempt.

G. Construction lighting necessary for a roadway, building, or utility construction site except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.

H. Up-lighting intended to highlight part of a building or landscaping provided that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs or year round dense evergreen tree canopies which will contain illumination of the sky.

I. Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded down to not shine glare, emit direct illumination, or cast a shadow into the public right of way or onto abutting or nearby properties.

J. Lighting for public monuments, murals, and statuary providing lighting is properly aimed and shielded to contain light to the art feature and not shine glare into the public

right of way or onto abutting or nearby properties.

K. Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration. All other airport outdoor lighting must conform to this ordinance.

L. Underwater lighting in swimming pools and other water features.

M. Temporary lighting for theatrical, television, and performance areas.

N. Athletic field lighting; steps should be taken to minimize glare and light trespass, and utilize sensible curfews. Light directed upward is prohibited.

O. Correctional Facilities

P. Ornamental and architectural lighting of bridges.

Q. Temporary exemptions as granted by the City of Florence.

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.**

Finding: A Photometrics Plan (Sheet C-6) illustrating non-exempt lighting consistent with the requirements of this section has been submitted under Appendix E of this land use application.

10-37-6: PROHIBITIONS:

A. Laser Light Source. The use of laser source light or any similar high intensity light for exterior advertising or entertainment is prohibited.

B. Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies is prohibited.

C. Blinking & Flashing Lights. All blinking and flashing lights except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights are prohibited.

D. Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial districts; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line; and, such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the City of Florence Sign Code.

Finding: The proposed development does not include any of prohibited light fixtures listed within this section.

Title 11 – Subdivision Regulations
Chapter 3 – Subdivision Tentative Plan Procedure
11-3-2: TENTATIVE PLAN REQUIREMENTS:
11-3-4: APPROVAL OF TENTATIVE SUBDIVISION: After giving notice as required by FCC 10-1-1-6, the Planning Director or its designee shall grant approval or deny the subdivision tentative plan. The hearing decision and further consideration of a similar application shall be reviewed under a Type II process as defined by paragraph 10-1-1-6 of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be based on compliance with the following criteria.

A. When the division of land results in remaining lots that are equal to or greater than twice the minimum lot size of the base zone, the application shall label it as a "Tract" and reserve it for open space as applicable or indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code. In either scenario the tract(s) or future lot layout shall not interfere with the orderly extension of adjacent streets, bicycle paths, and accessways.

1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.

Finding: All proposed oversized lots will be provided for the use of open space and will be labeled as a "Tract" on the Tentative Plat. This standard is met.

B. All proposed lots comply with the development standards of the base zone.

Finding: The proposed subdivision is a residential Planned Unit Development (PUD) meeting the stated purposes of the PUD regulations. The Applicant proposes flexibility in the base zone standards as provided for in Chapter 23 of the development code. The modifications to the base zone standards have been addressed within this narrative. This standard is met.

C. Adequate public facilities are available or can be provided to serve the proposed parcels.

Finding: The proposed public and private utilities and facilities have been shown on the attached Composite Utility Plan (Sheet C-8). The site can be adequately served by the existing water, sewer and stormwater system. This standard is met.

D. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan.

Finding: The proposed development will require a dedication of right-of-way along Rhododendron Drive. The proposed right-of-way dedication has been shown on the

Site Plan (Sheet C-3). All public utility easements have been shown on the Composite Utility Plan (Sheet C-8). This standard is met.

E. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes including ORS Chapter 92, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

Finding: As demonstrated within this narrative and the submitted land use plan set, the tentative plan for the proposed planned unit development and subdivision complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies as well as the intent and purpose of this title.

11-3-8: PHASED SUBDIVISION TENTATIVE PLAN: The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved by Planning Director for the entire phased subdivision, and each individual phase receives separate final plat approval from the Planning Director. Planning Director shall approve a phased subdivision tentative plan, provided affirmative findings can be made that: (Ordinance No. 7, Series 2019)

Finding: The proposed subdivision will be completed in a single phase. The requirements of this section are not applicable to this development.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City's Planning Department for this Type III Planned Unit Development Application (PUD) and Tentative Subdivision Application (SUB).

Attachment 9
TIA Peer Review Comments

APPROVED
Florence Planning Commission
Design Review Board
"K1" PC 2007 PUD01
Exhibit PC 2008 SUB01
Resolution Number

Wendy,

I concur with the Diego's proposed approach to calculate future traffic growth and distribution of traffic volumes as described by Diego Arguea in this email thread. Mr. Arguea and I discussed his approach last week and then again today. The Fairway Estates PUD trip assignment will parallel that of the Rhododendron – 35th PUD. The Fawn Ridge development, being further north will split its trips, between Rhododendron and Heceta Beach Road.

He also led me through the Harmelink methodology to determine the need for installing a left-turn lane. I understand that this analysis method is used by some jurisdictions. The Harmelink method does not indicate the need of a left-turn lane for southbound Rhododendron to eastbound 35th.

There are other methods in use. The American Association of State and Highway Officials (AASHTO) *Policy on Geometric Design of Streets and Highways*, Seventh Edition, 2018, commonly known as the *Green Book*, has a different approach. It begins with the assumption that, in general, left-turn lanes have value. On page 9-105, the *Green Book* states:

> "In designing an intersection, left-turning traffic should be removed from the through lanes, whenever practical. Therefore, provisions for left turns (i.e., left-turn lanes) have widespread application. Ideally, left-turn lanes should be provided at driveways and street intersections along major arterial and collector roads wherever left turns are permitted."

The Green Book has numerical standards for the installation of left-turn pockets, which are met by the intersection of Rhododendron and 35th.

There is no universal standard, my recommendation would be the AASHTO standard; however, others may disagree. While City Traffic engineer in Eugene, we began placing two-way left-turn lanes on our collector and higher level roads. The result has been a long term safety benefit.

Please let me know if you have any questions.

Jim

James R Hanks, PE
3673 River Pointe Drive

Attachment 10
Res. PC 07 21 MOD 01

APPROVED
Florence Planning Commission
Design Review Board
"R" PC 07 PUD01
PC 2008SUB01
Exhibit Resolution Number

CITY OF FLORENCE
PLANNING COMMISSION

RESOLUTION PC 07 21 MOD 01

A REQUEST FOR A MODIFICATION TO CONDITIONS OF APPROVAL (#6 Transportation Improvements AND #7 Rhododendron Drive Improvements) OF RESOLUTION PUD 05 03 FOR RESIDENTIAL DEVELOPMENT AROUND SANDPINES GOLF COURSE. CHANGES TO THESE CONDITIONS OF APPROVAL WOULD ALLOW FOR IMPROVEMENTS TO RHODODENDRON DRIVE TO BE IN CONFORMANCE WITH THE DRAFT RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN.

WHEREAS, the Planning Commission/Design Review Board met in a duly advertised public hearing on July 24, 2007 to consider the application, evidence in the record and testimony received, and

WHEREAS, the Planning Commission/Design Review Board determined, after review of the application, testimony and evidence in the record, that the application meets the applicable criteria, or can meet 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 following conditions are required for full compliance with 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 project, as presented meets or can meet applicable city codes and requirements, provided that it is the intent of the city to adopt the Rhododendron Drive Integrated Transportation Plan to establish unique street standards applicable to Rhododendron Drive, with the following conditions:

1. **Approval** shall be shown on:

Findings of Fact
Preliminary Traffic Plans

2. **Findings of Fact:** 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 the criteria regulated by the Uniform Building Code, will require approval by the Community Services Director (CSD) or the Planning Commission/Design Review Board.

3. **Approvals:** Unless appealed, the Planning Commission approval of the Modifications to Conditions of Approval shall become effective immediately after the resolution is signed.

4. **Transportation Improvements:** Condition No. 7 is modified as follows:

   Rhododendron Drive Improvements: *The applicant shall improve Rhododendron Drive to urban standards as identified in the City's*

Exhibit R

Rhododendron Drive Integrated Transportation Plan - Final DRAFT prepared by Parametrix, June, 2007. *This includes 2 travel lanes, curb, gutter, and a multi-use path that is a minimum of 12 feet wide, from the north side of the proposed site access to the south side of 35th Street, including intersection improvements. Rhododendron Drive improvements shall be included within the public improvement plan and installed as part of the public improvements.*

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 24h day of July 2007.

Donna Lee 8-7-07

DONNA LEE, Chairperson DATE

Florence Planning Commission

STAFF REPORT & FINDINGS
FLORENCE COMMUNITY SERVICES DEPARTMENT
Planning Commission
Exhibit A

Public Hearing Date: July 24, 2007
Date of Report: July 17, 2007
Application: Resolution PC 07 21 MOD 01

I. PROPOSAL DESCRIPTION

REQUEST FOR MODIFICATION TO CONDITION OF APPROVAL

1. Proposal: A REQUEST FOR A MODIFICATION TO CONDITIONS OF APPROVAL (Rhododendron Drive Improvements, Condition #7) OF RESOLUTION PUD 05 03 FOR RESIDENTIAL DEVELOPMENT AROUND SANDPINES GOLF COURSE. CHANGES TO THE CONDITION OF APPROVAL WOULD ALLOW FOR IMPROVEMENTS TO RHODODENDRON DRIVE TO BE IN CONFORMANCE WITH THE DRAFT RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN.

2. Discussion: The Sandpines Phase I and II, PUD 05 03 was approved with conditions, by the Florence Planning Commission, on September 27th, 2005. The approved subdivision will create 127 lots for single family residential units on 36.78 acres located on the west and south side of the Sandpines Golf Course.

The Rhododendron Drive Integrated Transportation Plan - Final DRAFT was completed by Parametrix for the city of Florence in June, 2007. The subdivision approval requires improvements to Rhododendron Drive to full urban standards including sidewalks and bikelanes. The proposed plan for Rhododendron Drive envisions a multi-use path in lieu of sidewalks and bikelanes along this section of Rhododendron Drive.

This application seeks to modify Condition No. 7, to allow the improvements to Rhododendron Drive to be constructed in accordance with the Rhododendron Drive Integrated Transportation Plan - Final DRAFT.

3. Applicant / Request for Modification:

City of Florence
Public Works Department
989 Spruce Street
Florence, OR 97439

4. Owner: RL Bocci Sandpines Resort LLC
205 SE Spokane St, Suite 350
Portland, OR 97202

5. Owners Representative:
Fred Wright, PE Consulting Engineers, Inc.
101 SW Western Boulevard
Corvallis, OR 97333

6. Location: Map 18-12-15-33, TL 100, Map 18-12-15-34, TL 100, 200, 1300, 1400 and 1500, East of Rhododendron Drive and south and east of Mariners Village Development.

7. Correspondence /Referrals:
Notice was mailed to property owners within 300 feet of the site and published in the Siuslaw News on July 11 and July 21, 2007. As of this writing, no written comments had been received.

II. NARRATIVE:

The Planning Commission approved, PUD 05 03, on September 27th, 2005, with the following condition required to improve Rhododendron Drive:

> ***Condition #7, Rhododendron Drive Improvements:*** *The applicant shall improve Rhododendron Drive to full urban standards as identified in the City's Transportation System Plan (TSP). This includes 2 travel lanes, curb, gutter, sidewalks, and bike lanes from the north side of the proposed site access to the south side of 35th Street, including intersection improvements. Rhododendron Drive improvements shall be included within the public improvement plan and installed as part of the public improvements.*

Parametrix, of Portland, Oregon has completed the Rhododendron Drive Integrated Transportation Plan - Final DRAFT, a Transportation and Growth Management (TGM) Program funded effort sponsored by the city of Florence. A joint public hearing of the city council and planning commission was held on June 12, 2007, for the purpose of initiating an amendment to the city of Florence TSP to incorporate the Rhododendron Drive Integrated Transportation Plan.

The Sandpines owners have preliminary drawings prepared for the improvements to Rhododendron Drive consistent with the original condition of approval incorporating sidewalks and bike lanes into the street improvements. At city staff's request the owner's representatives have revised the preliminary drawings to reflect the Integrated Transportation Plan recommendation of a multi-

use path in lieu of sidewalks and bikelanes. The revised drawings are attached to the Staff Report as Exhibit B.

The owners wish to complete the public improvements at this time and are willing to improve Rhododendron Drive to either of the configurations:

> Option 1) Construct road improvement consistent with the existing approval and TSP (per condition #7 on page 2, above); ***or***
>
> Option 2) Construct road improvements consistent with the Final Draft of the Rhododendron Drive Integrated Transportation Plan.

If constructed per the existing approval and standards, the road and pedestrian design would not be consistent with the proposed multi-use path in the Rhododendron Drive Integrated Transportation Plan. Further, the improvements would ultimately create discontinuities in the pedestrian and bicycle facilities along Rhododendron Drive.

III. REVIEW OF APPLICABLE CRITERIA:

CRITERIA APPLYING TO THIS MATTER:

FCC, TITLE 10, CHAPTER 23, SECTION 4 GENERAL CRITERIA

FCC 10-23: PLANNED UNIT DEVELOPMENT (PUD)

10-23-4: GENERAL CRITERIA: Applicant must demonstrate that the development conforms to all the following criteria:

10-23-4(C) The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets:

The following review from the August 2005 staff report discusses the applicant's proposal followed by the original staff recommendations.

> *OFF-SITE IMPACTS: If this project is to be improved Rhododendron Drive needs to be improved to urban standards as identified the TSP this includes travel lanes, curb, gutter, sidewalks, and bike lanes from the north side of the proposed site access to the south side of 35th Street, including intersection improvements. Other improvements to Rhododendron Drive such as turn pockets, acceleration, deceleration lanes shall be provided based on additional study. If the study determines*

they are needed then they shall be noted on the public improvement plan and installed as part of the public improvements. (Condition 7[1])

The Rhododendron Drive Integrated Transportation Plan was completed because the city recognized the unique character of Rhododendron Drive and wishes to preserve the scenic qualities along with meeting the transportation system needs along this critical corridor. It is expected that adoption of the Draft Plan will result in amendment to the TSP.

The proposed multi-use path of the Rhododendron Drive Integrated Transportation Plan is 12 feet wide and adjacent to the east curb line of Rhododendron Drive. The street width is proposed to be 28 feet between the curbs providing for two 12 foot wide travel lanes and a two foot gutter. The total improvement width of 40 feet is 8 feet narrower than improvement required under the original approval. The narrower width of the proposed modified street cross section will allow for greater preservation of the roadside vegetation. The preservation of the native vegetation along the Rhododendron Drive corridor has been established to be a critical element of preserving the scenic qualities of the roadway.

Staff finds the functional requirements of the street improvements to Rhododendron Drive that are required in the original approval and the TSP can be met with the alternative street cross section (Exhibit B) that replaces the sidewalks and bike lanes with a multi-use path adjacent to the easterly curb line of the street. Therefore, based upon the communities stated desire to preserve the scenic qualities of Rhododendron Drive to the greatest extent possible while providing a transportation facility adequate to fulfill the transportation needs in the corridor, it is recommended that Condition No. 7 be modified as follows:

> ***Rhododendron Drive Improvements:*** *The applicant shall improve Rhododendron Drive to ~~full~~ urban standards as identified in the City's ~~Transportation System Plan (TSP)~~* Rhododendron Drive Integrated Transportation Plan - Final DRAFT prepared by Parametrix, June, 2007. *This includes 2 travel lanes, curb, gutter, ~~sidewalks,~~ and ~~bike lanes~~ a multi-use path from the north side of the proposed site access to the south side of 35th Street, including intersection improvements. Rhododendron Drive improvements shall be included within the public improvement plan and installed as part of the public improvements.*

---

[1] ***Condition #7, Rhododendron Drive Improvements:*** *The applicant shall improve Rhododendron Drive to full urban standards as identified in the City's Transportation System Plan (TSP). This includes 2 travel lanes, curb, gutter, sidewalks, and bike lanes from the north side of the proposed site access to the south side of 35th Street, including intersection improvements. Rhododendron Drive improvements shall be included within the public improvement plan and installed as part of the public improvements.*

IV. CONCLUSIONS AND RECOMMENDATIONS:

~~Staff finds that t~~The application, as presented meets or can meet applicable city codes and requirements, provided that it is the intent of the city to adopt the Rhododendron Drive Integrated Transportation Plan to establish unique street standards applicable to Rhododendron Drive. Staff recommends the Planning Commission approve the proposed amendment to Condition 7 of the original approval for Sandpines Phase I and II, PUD 05 03, with the following conditions:

1. **Approval** shall be shown on:

"A" Findings of Fact
"B" Preliminary Traffic Plans

2. **Findings of Fact:** 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 the criteria regulated by the Uniform Building Code, will require approval by the Community Services Director (CSD) or the Planning Commission/Design Review Board.

3. **Approvals:** Unless appealed, the Planning Commission approval of the Modifications to Conditions of Approval shall become effective immediately after the resolution is signed.

4. **Transportation Improvements:** Condition No. 7 is modified as follows:

   Rhododendron Drive Improvements: *The applicant shall improve Rhododendron Drive to urban standards as identified in the City's* Rhododendron Drive Integrated Transportation Plan - Final DRAFT prepared by Parametrix, June, 2007. *This includes 2 travel lanes, curb, gutter, and a multi-use path that is a minimum of 12 feet wide, from the north side of the proposed site access to the south side of 35th Street, including intersection improvements. Rhododendron Drive improvements shall be included within the public improvement plan and installed as part of the public improvements.*

PASSED BY THE FLORENCE PLANNING COMMISSION, this 24th day of July 2007.

_____ without modification

~~_____ with the following modification(s).~~

___X___ with the modifications indicated above (deletions with strike-out and additions in bold)

Exhibit B
Modifications to Condition of Approval
Sandpines II and III
Preliminary Traffic Plans

SANDPINES RESORT

RHODODENDRON DRIVE IMPROVEMENTS
TRAFFIC CONTROL PLAN

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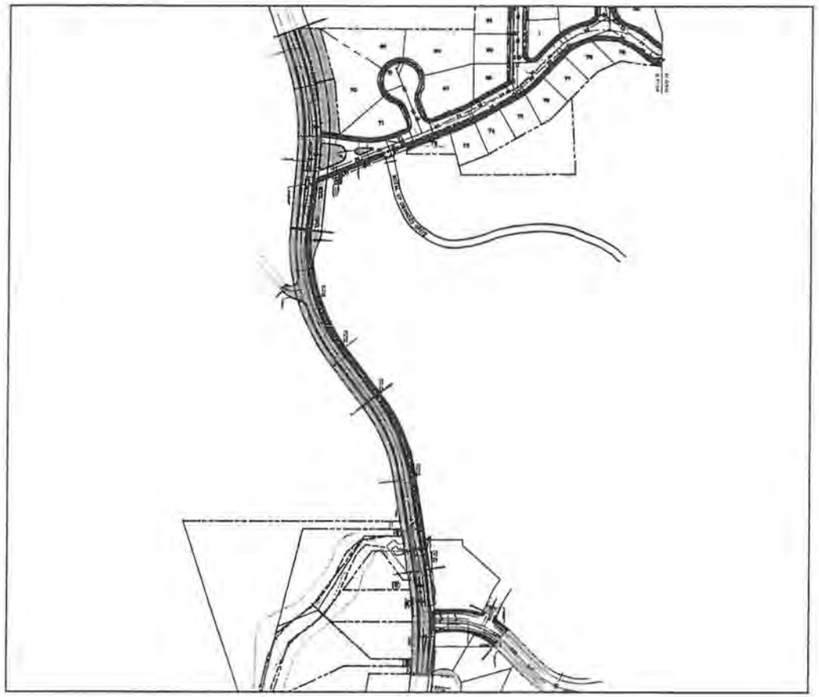
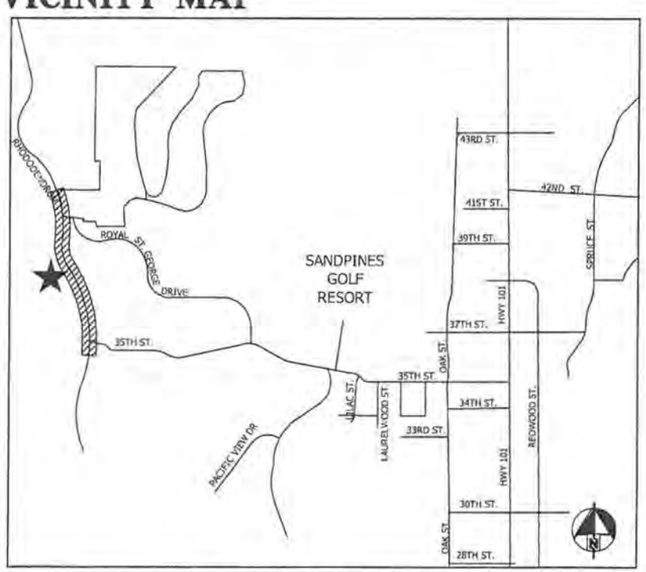
SITE MAP

0 50 100 200 300
SCALE IN FEET



VICINITY MAP



FLORENCE, OREGON

LAND USE APPROVALS

CITY OF FLORENCE RESOLUTION PUD 05 03, AUGUST 30, 2005

INFRASTRUCTURE

STREETS & SHARED-USE PATH: ..... PUBLIC
SANITARY SEWER: ..... CITY MAIN, SERVICE TO ROW LINE
WATER MAIN: ..... CITY MAIN & SERVICE TO METERS
STORM DRAIN: ..... PUBLIC
ELECTRIC, GAS & COMMUNICATIONS: ..... FRANCHISE UTILITY SERVICES

PROJECT DESCRIPTION

PERMANENT TRAFFIC CONTROL

CONSTRUCTION NOTES

ALL CONSTRUCTION OF PUBLIC IMPROVEMENTS IS SUBJECT TO CITY OF FLORENCE STANDARDS

PORTIONS OF THE PUBLIC STREET IMPROVEMENTS REFERENCE OREGON DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND STANDARD DRAWINGS. COPIES OF THE OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION 2002 AND STANDARD CONSTRUCTION DRAWINGS ARE AVAILABLE FROM THE OREGON DEPARTMENT OF TRANSPORTATION, CONTRACTOR PLANS OFFICE, ROOM 28, TRANSPORTATION BUILDING, SALEM, OREGON 97310 (TEL 503-986-3720). (WEBSITE www.odot.state.or.us/ContractorPlans)

GENERAL CONTRACTOR SHALL PREPARE AND MAINTAIN A DETAILED CONSTRUCTION TRAFFIC CONTROL PLAN FOR ALL WORK IN RHODODENDRON DRIVE RIGHT-OF-WAY.

CONSTRUCTION ACCESS TO AND FROM THE SITE IS LIMITED TO THE APPROVED CONSTRUCTION ENTRANCE SHOWN ON THE DRAWINGS AT THE WEST END OF THE SITE. RHODODENDRON DRIVE ABUTTING THE PROJECT SHALL BE FLUSHED AND SWEPT CLEAN OF ALL CONSTRUCTION DEBRIS AND DIRT AT THE END OF EACH DAY'S CONSTRUCTION ACTIVITIES.

ALL UNDERGROUND UTILITY CROSSINGS REQUIRE A MINIMUM OF 12 INCHES OF VERTICAL SEPARATION.

ALL TESTING PROCEDURES AND RESULTS FOR PUBLIC IMPROVEMENTS CONSTRUCTION SHALL BE SUBMITTED TO THE ENGINEER-OF-RECORD FOR CERTIFICATION PRIOR TO ACCEPTANCE BY CITY OF FLORENCE.

ALL REQUIRED PUBLIC EASEMENTS AND RIGHTS-OF-WAY DEDICATIONS SHALL BE RECORDED AND COPIED TO CITY OF FLORENCE PRIOR TO CITY'S FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS.

CONTRACTOR SHALL MAINTAIN A SET OF AS-BUILT CONSTRUCTION DRAWINGS FOR PUBLIC IMPROVEMENTS. THE ENGINEER-OF-RECORD WILL ORDER A FIELD SURVEY AND PREPARE FORMAL AS-BUILT DRAWINGS FOR THE PUBLIC IMPROVEMENTS WITH APPROPRIATE SURVEY DOCUMENTATION FOR INCORPORATION INTO CITY OF FLORENCE MAPPING SYSTEM REPRODUCIBLE DIGITAL DATA WILL BE PROVIDED ON FIXED MEDIA PRIOR TO CITY'S FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS.

OWNER/ DEVELOPER

SANDPINES RESORT CORPORATION
1201 35th Street
Florence, OR 97439
PH: (503) 659-3300
FAX: (503) 653-8023
EMAIL: rbocci@sandpines.com
CONTACT: BOB BOCCI

PACIFIC LIFESTYLE HOMES, INC.
1115 NE 99th Street, Suite 1200
Vancouver, WA 98682
PH: (360) 573-8081 ext.306
FAX: (360) 574-6401
EMAIL: bobb@pacificlifestylehomes.com
CONTACT: BOB BAILEY

ARCHITECT

MYHRE GROUP ARCHITECTS
105 SE Taylor Street, Suite 301
Portland, OR 97214
PH: (503) 236-6000
Fax: (503) 236-7500
E-mail : dons@myhregroup.com
CONTACT: DON SOWIEJA, Project Manager

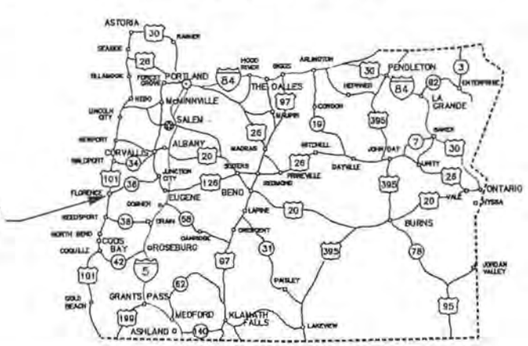
CIVIL ENGINEER

FRED WRIGHT,
P.E. CONSULTING ENGINEERS, INC.
101 SW Western Blvd., Suite 105
Corvallis, Oregon 97333
PH: (541) 753-5644
Fax: (541) 753-9640
E-mail : fredwright@proaxis.com
CONTACT: FRED WRIGHT, PE

SURVEYOR

WOBBE & ASSOCIATES
P.O. Box 3093
510 Kingwood Street
Florence, OR 97439
PH: (541) 997-8411
EMAIL: wobbe4assoc@msn.com
CONTACT: EUGENE WOBBE, PLS

PROJECT



LEGEND

—O—	NEW UNDERGROUND UTILITY
- -O- -	EXISTING UNDERGROUND UTILITY
⊗	WATERLINE VALVE
⊠	CURB INLET
O	WATERLINE BLOWOFF ASSEMBLY
⊞	WATER METER
⊠	AIR RELEASE VALVE
◎	FIRE HYDRANT
○—☼	STREET LIGHT
—WL—	WATER LINE
—SS—	SANITARY SEWER LINE
—SD—	STORM DRAIN LINE
—PSD—	8"ø ADS PERFORATED SUB-DRAIN SYSTEM
—SSD—	8"ø PVC SOLID WALL PVC STORM DRAIN PIPING
—EW—	EXISTING WATER LINE
—ES—	EXISTING SANITARY SEWER
—ESD—	EXISTING STORM DRAIN
RD	ROOF DRAIN
FD	FOUNDATION DRAIN
WL	WATERLINE
PVC	POLYVINYL CHLORIDE PIPE
DIP	DUCTILE IRON PIPE
———	SEDIMENT FENCE
450	TOPOGRAPHIC LINE
RCCP	REINFORCED CONCRETE CULVERT PIPE
U/G	UNDERGROUND
T&G	TONGUE AND GROOVE
LF	LINEAL FEET
PUE	PUBLIC UTILITY EASEMENT
AC	ASPHALTIC CONCRETE
PCC	PORTLAND CEMENT CONCRETE
PVMT	PAVEMENT
CITY	CITY OF FLORENCE, OREGON
ADS	ADVANCED DRAINAGE SYSTEMS
CSP	CORRUGATED STEEL PIPE
PSSE	PUBLIC SANITARY SEWER EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSDE	PUBLIC STORM DRAIN EASEMENT
PULE	PUBLIC WATER LINE EASEMENT
CI	CAST IRON
FL	FLOW LINE INVERT
INV	INVERT
EL	ELEVATION
IE	INVERT ELEVATION
STA	STATION
CO	CLEANOUT
MH	MANHOLE
CB	CATCH BASIN
CL	CLASS
S	SLOPE
R	RADIUS
WH	WEEPHOLE
℄	CENTERLINE
CLPUD	CENTRAL LINCOLN PUBLIC UTILITY DISTRICT

SAND MANAGEMENT

CONSTRUCTION ACCESS TO AND FROM THE SITE IS LIMITED TO THE APPROVED CONSTRUCTION ENTRANCE SHOWN ON THE DRAWINGS AT THE WEST ENTRY OF THE SITE. RHODODENDRON DRIVE ABUTTING THE PROJECT SHALL BE FLUSHED AND SWEPT CLEAN OF ALL CONSTRUCTION DEBRIS AND SAND AT THE END OF EACH DAY'S CONSTRUCTION.

GRADING LIMITS ARE CONFINED TO STREET SECTIONS ONLY. PRESERVATION OF EXISTING VEGETATION IS REQUIRED FOR SAND MANAGEMENT. EXCEPT WHERE SHOWN, EXISTING VEGETATION SHALL REMAIN UNDISTURBED.

INDEX

SHEET T1: TRAFFIC CONTROL INFORMATION
SHEET T2: TRAFFIC CONTROL PLAN STA 0+00 TO STA 5+44
SHEET T3: TRAFFIC CONTROL PLAN STA 5+44 TO STA 10+56
SHEET T4: TRAFFIC CONTROL PLAN STA 10+56 TO STA 15+40
SHEET T5: TRAFFIC CONTROL PLAN STA 15+40 TO STA 18+20
SHEET T6: TRAFFIC ROADWAY SECTIONS

B 1 of 6 APPROVED
Florence Planning Commission
Design Review Board
B — Exhibit
PC 07 21 Mod 01 — Resolution Number

	BY	DATE
Designed	FW	
Drawn	JH	
Checked	FW	
Rev:		

CCS CONSULTING ENGINEERS, INC.

REGISTERED PROFESSIONAL ENGINEER — OREGON — FRED WRIGHT — Renewal 06-30-08

REGISTERED PROFESSIONAL LAND SURVEYOR — OREGON — THEODORE J. WOBBE — Renewal 06-30-08

FRED WRIGHT, P.E.
CONSULTING ENGINEERS, INC.
101 SW WESTERN BOULEVARD, STE 105
CORVALLIS, OREGON 97333
TEL: 541-753-5644 FAX: 541-753-9640
E-MAIL: fredwright@proaxis.com

Sandpines Resort
Rhododendron Drive Improvements
Traffic Control Information

SHEET
T1
Dwg. 1 OF 6

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PAVEMENT MARKING PATTERNS

1. 4" SOLID WHITE TURN LANE LINES (PAINT) w/ 4" WHITE REFLECTOR BUTTONS @ 8' O.C.
2. DOUBLE 4" YELLOW LINES (PAINT) w/ BI-DIRECTIONAL YELLOW REFLECTORS @ 15' O.C.
3. 8" SOLID WHITE FOG LINES (PAINT)
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5. LANE DELINEATION - ALTERNATE WHITE SQUARE REFLECTORS w/ WHITE ROUND BUTTONS (15' / 25' / 15')
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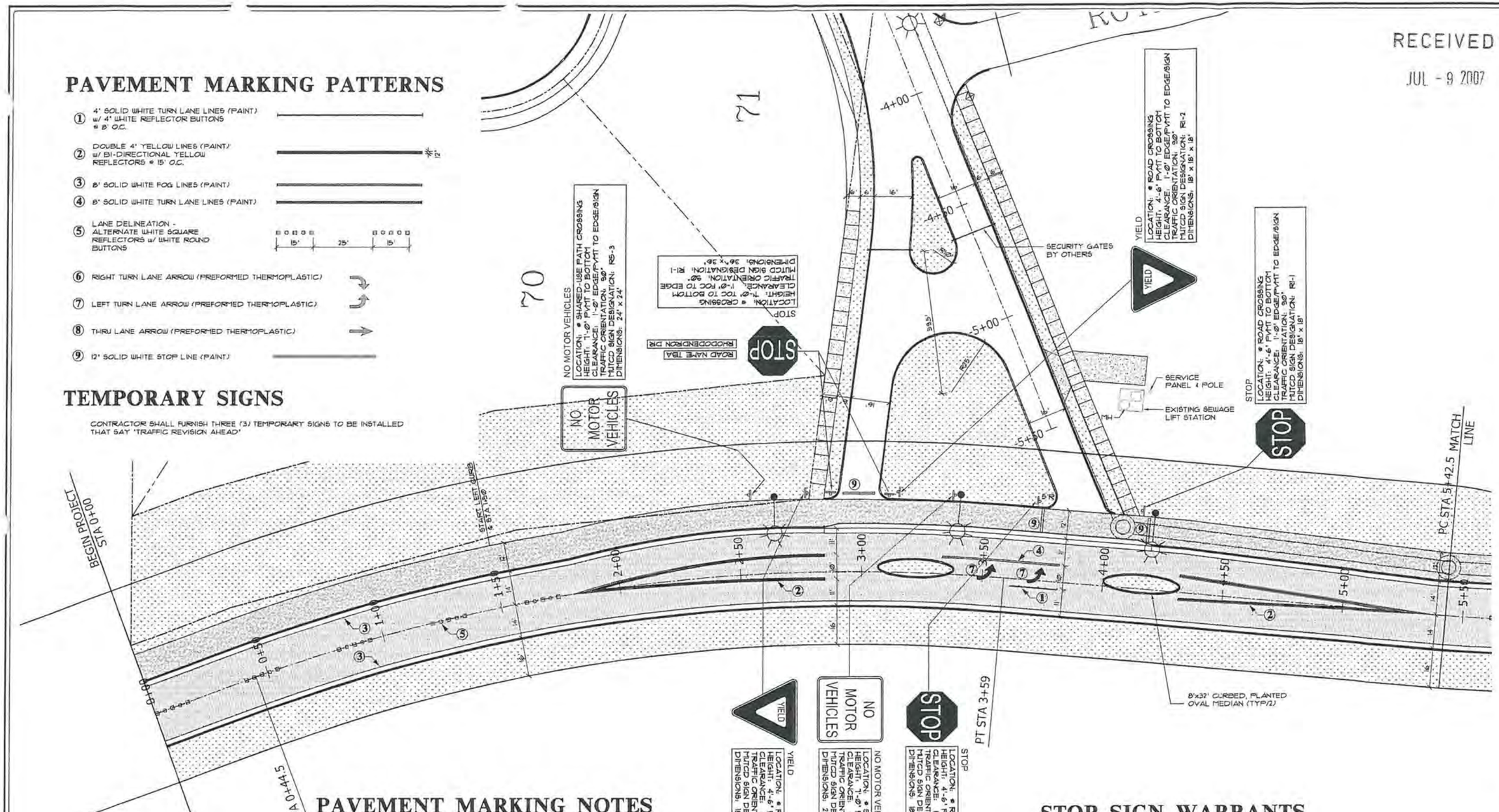
7. LEFT TURN LANE ARROW (PREFORMED THERMOPLASTIC)
8. THRU LANE ARROW (PREFORMED THERMOPLASTIC)
9. 12" SOLID WHITE STOP LINE (PAINT)

TEMPORARY SIGNS

CONTRACTOR SHALL FURNISH THREE (3) TEMPORARY SIGNS TO BE INSTALLED THAT SAY "TRAFFIC REVISION AHEAD"



PAVEMENT MARKING NOTES

1. ALL PAVEMENT MARKINGS AND MARKING MATERIALS SHALL CONFORM TO CITY OF FLORENCE STANDARDS FOR SHAPE LOCATION AND DIMENSION. CONTACT FRANK DIETZ, CITY OF FLORENCE PUBLIC WORKS DEPARTMENT, TELEPHONE 541-997-4106.
2. ALL EXISTING PAVEMENT MARKINGS SHALL BE REMOVED BY SAND OR HYDRO-BLASTING. SAND AND DEBRIS SHALL BE COLLECTED, REMOVED AND DEPOSITED LEGALLY AT AN APPROVED DISPOSAL SITE. CONTRACTOR ASSUMES RESPONSIBILITY FOR OWNERSHIP AND DISPOSAL OF ALL DERIS. WARNING: PAINT DEBRIS MAY CONTAIN LEAD.

STOP SIGN WARRANTS

MUTCD 2B.05 A, INTERSECTION OF A LESS IMPORTANT ROAD WITH A MAIN ROAD WHERE APPLICATION OF THE NORMAL RIGHT OF WAY RULE WOULD NOT BE EXPECTED TO PROVIDE REASONABLY SAFE OPERATION.

MUTCD 2B.05 B, STREET ENTERING A THROUGH HIGHWAY OR STREET.

Pg 2 of 6 APPROVED
Florence Planning Commission
Design Review Board
B — Exhibit
PC 07 01 MOD 01 — Resolution Number

1 / T2 RHODODENDRON DRIVE STA 0+00 TO STA 5+44
SCALE: 1" = 20'

	BY	DATE
Designed	FW	
Drawn	JH	
Checked	FW	
Rev.	FW	

CCS CONSULTING ENGINEERS, INC.

REGISTERED PROFESSIONAL ENGINEER — Renewal: 06-30-08

REGISTERED PROFESSIONAL LAND SURVEYOR — Renewal: 06-30-08

FRED WRIGHT, P.E.
CONSULTING ENGINEERS, INC.
101 S.W. WESTERN BOULEVARD, STE. 105
CORVALLIS, OREGON 97333
TEL: 541-753-5644 FAX: 541-753-9640
E-MAIL: fredwright@proxima.com

Sandpines Resort
Rhododendron Drive Improvements
Traffic Control Plan Sta 0+00 to Sta 5+44

SHEET **T2**
Dwg. 2 OF 6

PAVEMENT MARKING PATTERNS

1. 4' SOLID WHITE TURN LANE LINES (PAINT) w/ 4' WHITE REFLECTOR BUTTONS @ 8' O.C.
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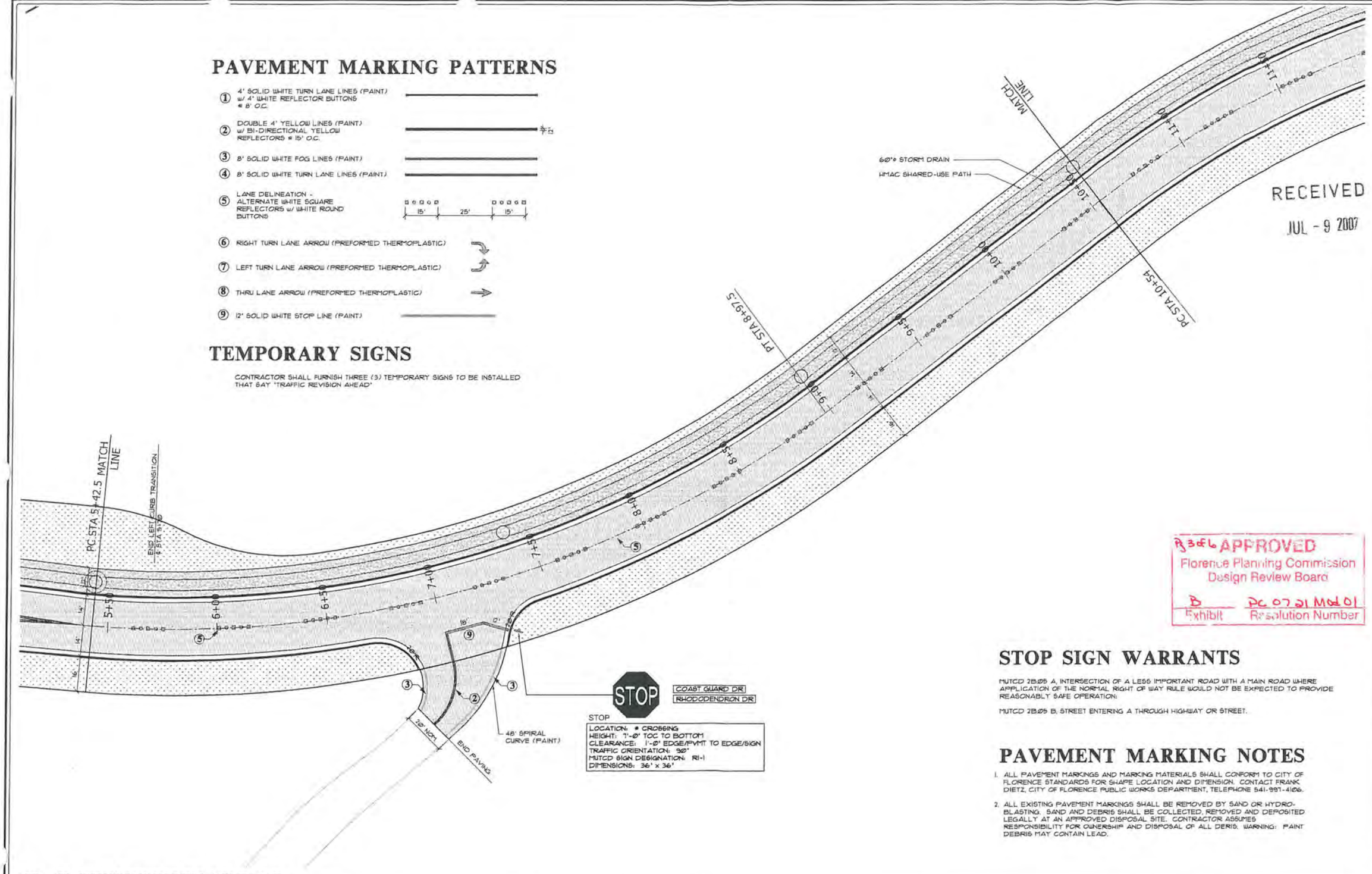

STOP
LOCATION: @ CROSSING
HEIGHT: 7'-0" TOC TO BOTTOM
CLEARANCE: 1'-0" EDGE/PVMT TO EDGE/SIGN
TRAFFIC ORIENTATION: 90°
MUTCD SIGN DESIGNATION: R1-1
DIMENSIONS: 36' x 36'

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JUL - 9 2007

Pg 3 of 6 APPROVED
Florence Planning Commission
Design Review Board
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STOP SIGN WARRANTS

MUTCD 2B.05 A, INTERSECTION OF A LESS IMPORTANT ROAD WITH A MAIN ROAD WHERE APPLICATION OF THE NORMAL RIGHT OF WAY RULE WOULD NOT BE EXPECTED TO PROVIDE REASONABLY SAFE OPERATION:

MUTCD 2B.05 B, STREET ENTERING A THROUGH HIGHWAY OR STREET.

PAVEMENT MARKING NOTES

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1 / T3 RHODODENDRON DRIVE STA 5+44 TO STA 10+56
SCALE: 1" = 20'

	BY	DATE
Designed	FW	
Drawn	JH	
Checked	FW	
Rev.	FW	

CCS CONSULTING ENGINEERS

REGISTERED PROFESSIONAL LAND SURVEYOR — OREGON — FRED WRIGHT — Renewal: 06-30-08

REGISTERED PROFESSIONAL ENGINEER — OREGON — FRED WRIGHT — Renewal: 06-30-08

FRED WRIGHT, P.E.
CONSULTING ENGINEERS, INC.
101 S.W. WESTERN BOULEVARD, STE. 105
CORVALLIS, OREGON 97333
TEL: 541-753-5644 FAX: 541-753-9640
E-MAIL: fredwright@proaxis.com

Sandpines Resort
Rhododendron Drive Improvements
Traffic Control Plan Sta 5+44 to Sta 10+56

SHEET
T3
Dwg. 3 OF 6

PAVEMENT MARKING PATTERNS

1. 4' SOLID WHITE TURN LANE LINES (PAINT) w/ 4' WHITE REFLECTOR BUTTONS @ 8' O.C.
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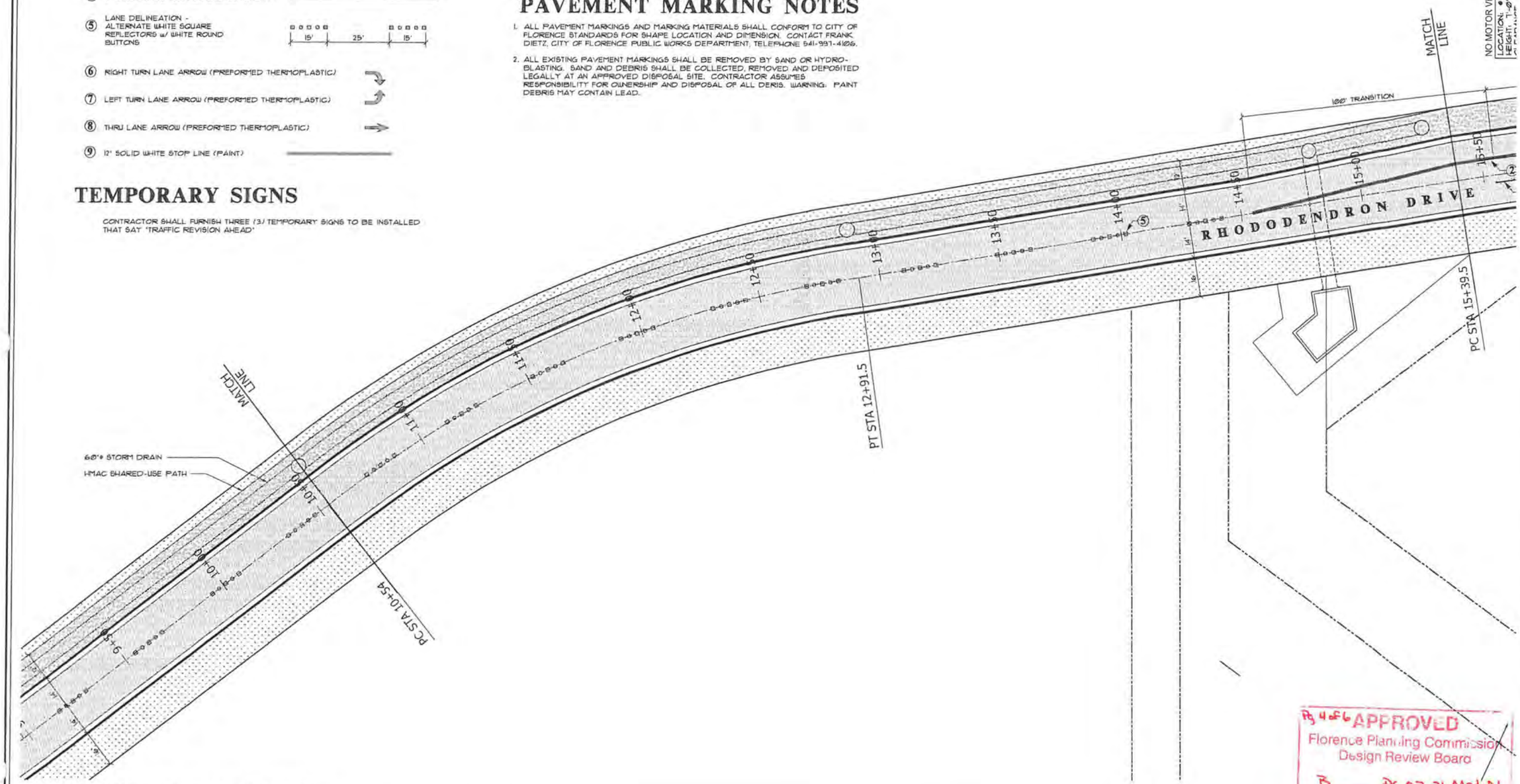

1 / T4 RHODODENDRON DRIVE STA 10+56 TO STA 15+40
SCALE: 1" = 20'

RECEIVED
JUL - 9 2007

NO MOTOR VEHICLES
LOCATION: ● SHARED-USE PATH CROSSING
HEIGHT: 7'-0" PVMT TO BOTTOM

Pg 4 of 6 APPROVED
Florence Planning Commission
Design Review Board
B — Exhibit
PC 07 21 Mod 01 — Resolution Number

FRED WRIGHT, P.E.
CONSULTING ENGINEERS, INC.
101 S.W. WESTERN BOULEVARD, STE. 105
CORVALLIS, OREGON 97333
TEL: 541-753-5644 FAX: 541-753-9640
E-MAIL: fredwright@proaxis.com

	BY	DATE
Designed	FW	
Drawn	JH	
Checked	FW	
Rev.	FW	

REGISTERED PROFESSIONAL LAND SURVEYOR — OREGON — Fred Wright 1543 — Renewal: 06-30-08

REGISTERED PROFESSIONAL ENGINEER — OREGON — FRED WRIGHT — Renewal: 06-30-08

Sandpines Resort
Rhododendron Drive Improvements
Traffic Control Plan Sta 10+56 to Sta 15+40

SHEET
T4
Dwg. 4 OF 6

PAVEMENT MARKING PATTERNS

① 4" SOLID WHITE TURN LANE LINES (PAINT) w/ 4" WHITE REFLECTOR BUTTONS @ 8' O.C.

② DOUBLE 4" YELLOW LINES (PAINT) w/ BI-DIRECTIONAL YELLOW REFLECTORS @ 15' O.C.

③ 8" SOLID WHITE FOG LINES (PAINT)

④ 8" SOLID WHITE TURN LANE LINES (PAINT)

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⑦ LEFT TURN LANE ARROW (PREFORMED THERMOPLASTIC)

⑧ THRU LANE ARROW (PREFORMED THERMOPLASTIC)

⑨ 12" SOLID WHITE STOP LINE (PAINT)

⑩ BICYCLE LANE (PREFORMED THERMOPLASTIC)

⑪ CROSSWALKS (PREFORMED THERMOPLASTIC) ALIGN GAPS WITH WHEEL PATHS (12" 24" VARIES 36" TO 40")

TEMPORARY SIGNS

CONTRACTOR SHALL FURNISH THREE (3) TEMPORARY SIGNS TO BE INSTALLED THAT SAY "TRAFFIC REVISION AHEAD"

STOP SIGN WARRANTS

MUTCD 2B.05 A, INTERSECTION OF A LESS IMPORTANT ROAD WITH A MAIN ROAD WHERE APPLICATION OF THE NORMAL RIGHT OF WAY RULE WOULD NOT BE EXPECTED TO PROVIDE REASONABLY SAFE OPERATION.

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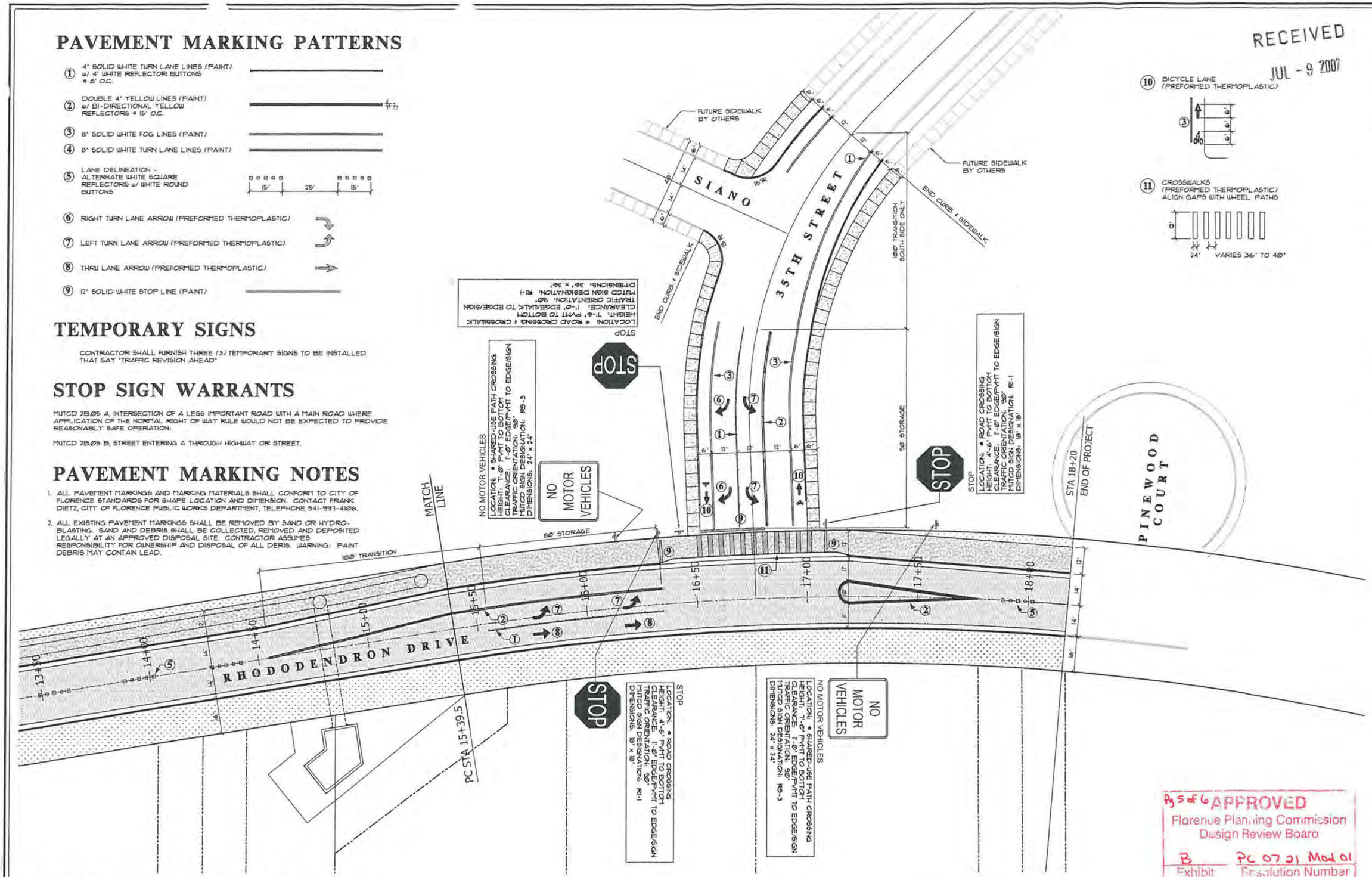


1 / T5 RHODODENDRON DRIVE STA 15+40 TO STA 18+20
SCALE: 1" = 20'

Pg 5 of 6 APPROVED
Florence Planning Commission
Design Review Board
B — Exhibit
PC 07 01 Mod 01 — Resolution Number

BY	DATE
Designed	RJ
Drawn	JH
Checked	RJ
Rev.	

CCS CONSULTING ENGINEERS

REGISTERED PROFESSIONAL ENGINEER — OREGON — FRED WRIGHT — Renewal: 06-30-08

REGISTERED PROFESSIONAL LAND SURVEYOR — OREGON — FRED WRIGHT — Renewal: 06-30-08

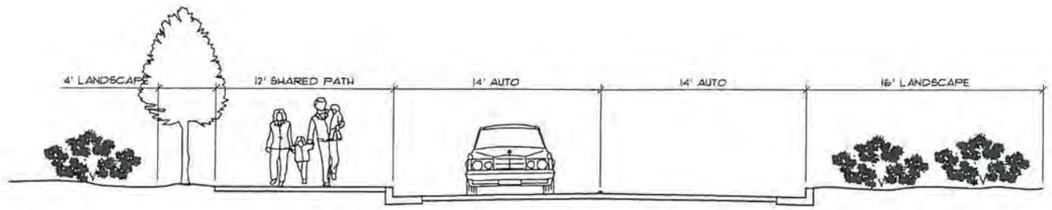
FRED WRIGHT, P.E.
CONSULTING ENGINEERS, INC.
101 S.W. WESTERN BOULEVARD, STE. 105
CORVALLIS, OREGON 97333
TEL: 541-753-5644 FAX: 541-753-9640
E-MAIL: fredwright@peoweb.com

Sandpines Resort
Rhododendron Drive Improvements
Traffic Control Plan Sta 15+40 to Sta 18+20

SHEET
T5
Dwg. 5 OF 6

RECEIVED

JUL - 9 2007



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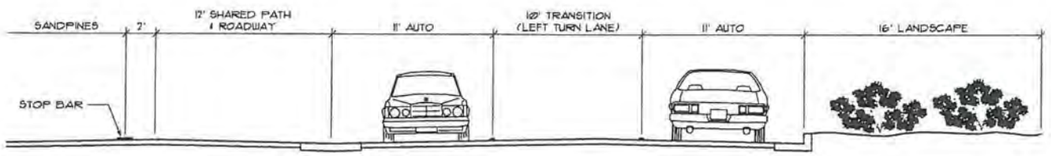
(STA 5+50 SIM)



STA 2+85
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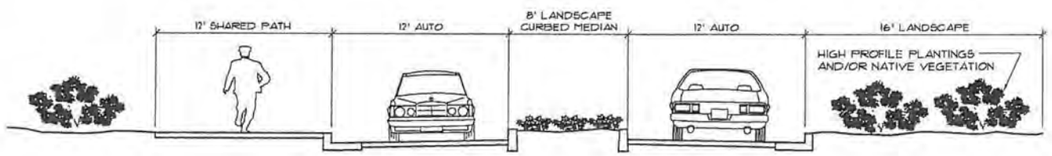
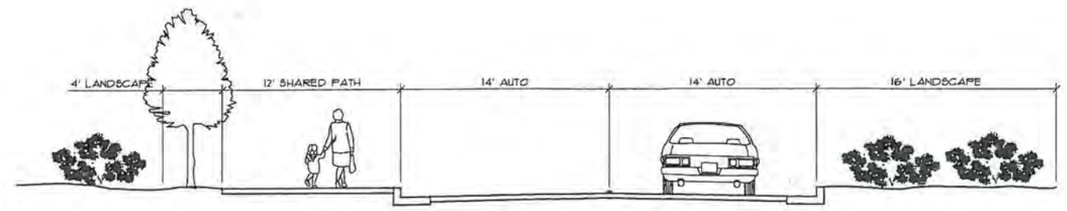
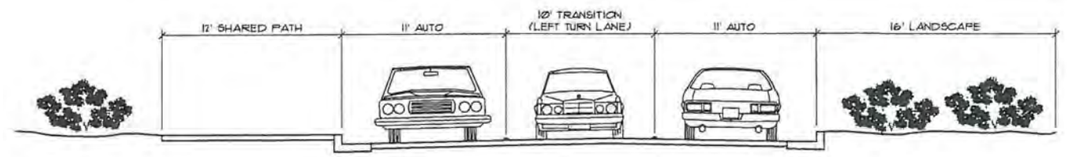


STA 3+25

1 / T6 ROADWAY TRAFFIC SECTIONS @ SANDPINES LOOKING SOUTH
SCALE: 1" = 5'



STA 14+50



STA 16+00
(STA 17+20 SIM)

2 / T6 ROADWAY TRAFFIC SECTIONS @ 35th STREET LOOKING SOUTH
SCALE: 1" = 5'

Pg 6 of 6 APPROVED
Florence Planning Commission
Design Review Board
B — Exhibit
PC 07 21 Mod 01 — Resolution Number

	BY	DATE
Designed	PJ	
Drawn	JH	
Checked	PJ	
Rev.	PJ	

CCS COMPUTER-AIDED DRAFTING DESIGN

REGISTERED PROFESSIONAL LAND SURVEYOR — OREGON — FRED WRIGHT — Renewal: 06-30-08

REGISTERED PROFESSIONAL ENGINEER — OREGON — FRED WRIGHT — Renewal: 06-30-08

FRED WRIGHT, P.E.
CONSULTING ENGINEERS, INC.
101 S.W. WESTERN BOULEVARD, STE. 105
CORVALLIS, OREGON 97333
TEL: 541-753-5644 FAX: 541-753-9640
E-MAIL: fredwright@proaxis.com

Sandpines Resort
Rhododendron Drive Improvements
Traffic Roadway Sections

SHEET
T6
Dwg. 6 OF 6

Attachment 11
Master, Landscape and SW Plan

MASTER PLAN: OVERALL

SITE PROGRAM		Unit #		Building Coverage	Site %	Lot Area	Site %
Attached Housing	=	49	=	62,858 sf	15.6%	85,244 sf	21.1%
Detached Housing	=	31	=	42,718 sf	10.6%	84,227 sf	20.8%
Multi-Family Housing	=	46	=	28,940 sf	7.1%	69,713 sf	17.3%
TOTAL	=	126	=	134,516 sf	33.3%	239,184 sf	59.2%
		(13.6 Units/Acre)					

Open Space - Min 20%*	=	81,751 sf	(81,751/404,120 =)	20.2%
Recreation Space - Min 25% / Open Space =		29,907 sf	(29,907/81,751 =)	36.6%

*Note: Assumes 10' Perimeter Yard at adjacent property & 5' Perimeter Yard at public R.O.W.

Total Site (Phase 1A)	=	(7.09 Acres)	308,713 sf	76.4%
Total Site (Phase 1B)	=	(2.19 Acres)	95,407 sf	23.6%
TOTAL	=	(9.28 Acres)	404,120 sf	100.0%

BUILDING PROGRAM		Unit #		Building #		Total Unit #
Attached Housing: B2	=	2	x	5	=	10
Attached Housing: B3.1	=	3	x	4	=	12
Attached Housing: B3.2	=	3	x	5	=	15
Attached Housing: B4	=	4	x	3	=	12
Detached Housing: C1	=	1	x	1-25	=	1-25
Detached Housing: C2	=	1	x	6-31	=	6-31
Multi-Family Housing: A1	=	12	x	2	=	24
Multi-Family Housing: A2	=	11	x	2	=	22
Total Units (Phase 1A)						92
Total Units (Phase 1B)						34
TOTAL						126

ESTIMATED SCHEDULE	Phase 1A
Estimated Start Date (Site):	October 1st, 2020
Length of Construction (Site):	7 Months
Estimated Start Date (Buildings):	February 1st, 2021
Length of Construction (Buildings):	12 Months
Estimated Completion:	February 1st, 2022
	Phase 1B
Estimated Start Date (Buildings):	February 1st, 2022
Length of Construction:	9 Months
Estimated Completion:	December 1st, 2022

LANDSCAPE KEY PLAN

1 CENTRAL GREEN
- a. Pavilion
- b. Children's Play Area
- c. Picnic Area
- d. Flexible Lawn
- e. Native Grove
- f. Walking Trails

2 POCKET GARDENS
- e. Native Planting
- f. Walking Trails
- g. Seating Areas

3 DOG PARK
- g. Seating Areas
- h. Fenced Dog Area

4 GARDEN COURTS
- a. Shelter
- c. Picnic Area
- d. Flexible Lawn

SITE ELEMENTS

- S1 Perimeter Fence: 6' HT. cedar
- S2 Dog Park Fence: 4' HT. Welded wire panel
- S3 Monument Entry Pillars
- S4 Garden Court Thresholds
- S5 Pole Lights
- S6 Concrete Retaining Wall - 8" width min.

LANDSCAPE PLAN

PUBLISH DATE
04-29-2020
ISSUED FOR
PUD
REVISIONS

LANDSCAPE PLAN
RHODODENDRON DR & 35TH ST
PLANNED UNIT DEVELOPMENT

ARCHITEC
PLAC
3J CONSULT
PROJECT INFORMATIO

LEGEND

- PROPOSED LOT LINE
- PROPOSED EASEMENT LINE
- PROPOSED RIGHT OF WAY
- PROPOSED CENTERLINE
- PROPOSED SETBACK LINE
- PROPOSED CURB FACE
- PROPOSED CURB BACK
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- PROPOSED HEAVY DUTY CONCRETE
- PROPOSED CONCRETE SCORING
- PROPOSED RETAINING WALL
- PROPOSED SOAKAGE TRENCH
- PROPOSED STORM TOP OF BANK
- PROPOSED STORM BOTTOM OF BANK
- PROPOSED STORM PIPE
- PROPOSED BYPASS STORM PIPE
- PROPOSED SANITARY PIPE
- PROPOSED WATER MAIN
- PROPOSED STORM MANHOLE
- PROPOSED CURB INLET
- PROPOSED ROUND AREA INLET
- PROPOSED SEWER MANHOLE
- PROPOSED HYDRANT
- PROPOSED VALVE
- BLOW-OFF / AIR RELEASE ASSY
- PROPOSED LIGHTING

WATER SYSTEM KEY NOTES

1. INSTALL 8" WATER MAIN.
2. INSTALL 6" WATER MAIN.
3. INSTALL 4" WATER MAIN.
4. CONNECT PROPOSED 8" WATER MAIN TO EXISTING 8" WATER MAIN.

STORM DRAIN KEY NOTES

1. INSTALL 12" PRIVATE STORM MAIN.
2. CONSTRUCT INFILTRATION BASIN.
3. CONSTRUCT INFILTRATION SOAKAGE TRENCH.
4. INSTALL 36" BYPASS STORM MAIN FOR RUN-ON FLOWS.

SANITARY SEWER KEY NOTES

1. INSTALL 8" SANITARY SEWER MAIN.
2. INSTALL 6" SANITARY SEWER MAIN.
3. CONNECT PROPOSED 8" SANITARY SEWER MAIN TO EXISTING 12" SANITARY SEWER VIA PROPOSED SANITARY SEWER MANHOLE.
4. CONNECT PROPOSED 8" SANITARY SEWER MAIN TO EXISTING SANITARY SEWER MANHOLE.

N
W E
S

SCALE: 1"=50'
0 50

Attachment 12
Testimony in Response to Petitions of Appeal

From: Nancy Rhodes
To: Roxanne Johnston; Wendy Farley-Campbell
Subject: Proposed PUD Development on Rhododendron
Date: Wednesday, September 23, 2020 2:24:59 PM

Dear City of Florence Planning Department,

I am in receipt of copies of letters from the Plunketts, the Fishers and Steve Williams, all residents of Sea Watch Place, Florence.

They bring up some valid objections and concerns. I want you to know that I concur with their well-written objections and all items they wish to appeal. I have great concern, especially regarding traffic congestion and the safety for nearby residents, such as myself in Mariner's Village. I also have significant concern about storm water drainage. In 2017 I had to fill sandbags as the water level came one foot from my home.

The density of this proposal is outrageous for the location. As I've indicated before, already I feel unsafe when heading out on foot or bicycle on Rhododendron. The amount of people on Rhododendron will make things only worse. I understand that "eventually" some form of pedestrian lane will be added all the way to Heceta Beach Road, but my understanding is this won't occur until after this development is long underway. And even with an added shoulder or path, the increased amount of vehicles turning in and out of the development and/or other nearby streets will make pedestrian usage extremely hazardous.

Thank you for noting my objection and I hope you will not move forward without further and adequate studies as outlined by the Sea Watch residents.

Nancy Rhodes
9 Mariners Ln
Florence OR 97439
415 497-4083

From: Kelli Weese
To: Roxanne Johnston; Dylan Huber-Heidorn
Subject: FW: planning commission"s approval of PUD development on Rhododendron Dr.
Date: Monday, September 28, 2020 10:55:14 AM

-----Original Message-----
From: Janice C Walters <janwalters@icloud.com>
Sent: Tuesday, September 22, 2020 1:45 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: planning commission's approval of PUD development on Rhododendron Dr.

Dear Members of the Planning Commission, I received copies of the letters sent to you from Steve and Becky Williams, The Plunketts, and The Fishers, all from the Sea Watch Development. I am writing to lend my support to all their arguments for you to reconsider your decisions about the proposed PUD development to be located on Rhododendron Drive and 35th St. The concerns expressed in their appeals concur with my concerns even though I don't live in Sea Watch.

I hope you will reconsider the issues of the number of residents proposed, the traffic concerns, and the stormwater runoff. These are issues that will be concerning to all the residents in that area of Florence.

Sincerely,
Janice Walters
29 Mariners Ln.
Florence, O

Roxanne Johnston

From: Paula Ziegelasch <pziegelasch@gmail.com>
Sent: Monday, October 05, 2020 5:21 PM
To: planningdepartment
Subject: Appeal of Approval of the Proposed Preliminary Planned Unit Development Resolution PC 20 07 PUD 01 & PC 20 08 SUB 01

Attention: Florence City Council

I have two key points of objection in appealing the proposed development of the site near 35th and Rhododendron:

1. The Traffic Impact Study for this proposed project was conducted in the month of December, ostensibly measuring traffic impact at 35th and Rhododendron. The purpose of a traffic impact study is to quantify the extent of a traffic problem. It is evident that the winter is the least representative of any traffic snapshot thereby rendering "extent" baseless and invalidating the December measurement.

A multitude of resident snowbirds have all taken their RVs south prior to December and their daily traffic was not considered in the December traffic study. In December, Rhododendron corridor residents are less likely to travel through this intersection due to winter weather conditions resulting in limited trips. In order for the traffic study to be most accurate and therefore representative of actual traffic flow, it should be measuring traffic during peak season such as Labor Day Weekend when both parking lots at the North Jetty are full throughout the weekend. I submit a more representative traffic impact study must be conducted.

2. Development of 126 new residential units at 35th and Rhododendron will seriously disrupt the evacuation route in the event of a tsunami alarm. With just a 15 minute warning to evacuate at best, most residents and visitors along the five mile Rhododendron corridor will rush to the corner of 35th and Rhododendron to find an escape to the east from the inundation area resulting in a dangerous bottleneck.The Florence Transportation System Plan of 2012 has referenced a "lack of street connectivity" as an unresolved deficiency. The tsunami evacuation map for Florence 08/29/2013 (https://www.ci.florence.or.us/community/tsunami-evacuation-maps), prepared by the Oregon Department of Geology and Mineral Industries and endorsed by Siuslaw Valley Fire, Florence Police Department, Oregon Emergency Management among others, shows 35th as a principal and arterial roadway essential to emergency movement--an integral artery of escape. This is a major safety concern where a potential for loss of life is a serious consideration.

Please consider both these objections before electing to go forward with this project.

Thank you.

Paula Ziegelasch
87762 Saltaire St.
541-603-6948

--
PZ

Mariners Village
HOMEOWNERS ASSOCIATION

PO Box 2792, Florence, OR 97439
marinersvillage97439@yahoo.com

To: Mayor and Council, Planning Commission
C/O Kelli Weese, City Recorder / Economic Development
kelli.weese@ci.florence.or.us
City of Florence
250 Hwy 101,
Florence, OR 97439

September 22, 2020

Dear Mayor and Councilors, Planning Commissioners

Re: Resolutions PC 20 07 PUD 01 & PC 20 08 SUB 01

We are writing on behalf of Mariners Village HOA in response to the above resolutions adopted by the Planning Commission on 9/8/2020. We were disappointed to note that many of the concerns expressed in testimony, and recognized by Planning Commissioners in the discussion, were not addressed in the Conditions of Approval. We believe that the decision to allow the development to go ahead as proposed is a mistake, which sets a regrettable precedent. The major issues of concern remain the many modifications to code which were allowed, resulting in a high-density development with insufficient road improvements on Rhododendron Dr. This will have a negative impact on road traffic congestion and safety, and on the quality of life in the proposed new development as well as neighboring developments.

We are aware that residents of Sea Watch have written notifying you of their intent to appeal, and we agree with the points they make. After much consideration we have chosen not to appeal the decision ourselves as we believe that it will be difficult for us to meet the conditions of City Code 10-1-1-7 without incurring substantial costs for our homeowners.

We are aware that our City needs well managed growth to thrive. We understand that to achieve this our community needs to be attractive and to have appropriate workforce housing. We are appreciative of the efforts being made by our elected representatives on the Council and by the City Staff. The recent improvements along Hwy 101 and Old Town are an example of the good work being done.

Our major concern is that if this development goes ahead in its present design, the precedent this will create will in time destroy the qualities which make the City of Florence a great place to live. We believe that it is not too late to address this issue. We urge you to consider this when hearing the appeals. We also ask you to consider what else the City could do to address this. Examples might include: the City itself making the necessary road improvements in this section of Rhododendron Dr.; amendments to City Code to limit short-term rentals; finding creative solutions to support viable construction projects which do not require excessive modifications to City Code; and similar.
Thank you for giving this your consideration.

Sincerely,
Mariners Village Homeowners Association Board

Eva Pinkavova
(President)

Alan Matisoff
(Vice-President)

Ron McCutcheon
(Secretary)

Lawrence M. Franzen

Diane Sabado

From: Debra Fisher <debrafisher66@gmail.com>
Sent: Friday, October 9, 2020 10:54 AM
To: Joe Henry
Subject:

Hi Mayor Joe Henry
This is Darryl and Debra Fisher from 22 Sea Watch Place. We have met on several occasions and know your a busy man so we will make this brief.

You will be conducting a meeting on Oct 19th and will be making a decision on our appeal in regards to the proposed PUD on 35th and Rhody. Please consider all the facts of why in the current proposal this project is a bad idea for Florence. The storm water issue to the traffic for safety especially in a tsunami zone the change in our beautiful scenic corridor of Rhododendron drive and finally the lack of commitment from the developer to ensure this will really be housing for the community and not just another air b&b.

If you want to call us further the cell phone is 530-519-2510.

Thank you for your time,
Darryl and Debra Fisher

From: Debra Fisher <debrafisher66@gmail.com>
Sent: Friday, October 9, 2020 3:29 PM
To: Joe Henry
Subject: PUD

Hi Mayor Henry ,
This is the Fishers again. A couple more points we want to stress besides the traffic but the storm water is most important to our subdivision that it is done correctly or it could literally compromise our properties. And the oversight from the city to make sure according to your water works expert no storm water is to discharge from the property.

Also we find it very cozy that the same firm who helped the city in their rezoning plans is also representing the developer. Seems unethical to us.

Thank you
Darryl and Debra Fisher

From: Alan Matisoff <alanmatisoff5150@gmail.com>
Sent: Tuesday, October 13, 2020 3:13 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: New Housing Development at 35th & Rhododendron Drive.

Sent from Mail for Windows 10

My name is Alan Matisoff and I live at 30 Mariners Lane (Mariners Village). I would like to address some issues with this development that have not been properly investigated or totally overlooked.

1. The revised traffic shows a picture taken on Rhododendron looking south to 35th St. showing there is 408' of vision to 35th St. indicating that there is no need for a left turn lane from Southbound Rhododendron to Eastbound 35th St. What this photo doesn't show are the 2 new entrance/exit driveways that will be installed by the developers of the new project, making this photo misleading.
2. The electronic traffic survey that was redone recently is also misleading. It was done during the Covid-19 Epidemic, when tourism is down and when school is out, making that survey not accurate.
3. NOBODY has taken into consideration the School Buses that use Rhododendron Drive 5 days/week, twice per day. Currently there is a stop at the entrance of Mariners Lane, Eden Lane and Coast Guard Road. The bus picks up children on the west side of Rhododendron Drive and travels south. Since there has been no school since Covid-19, I am not aware if the bus also picks up at Fairway Estates. When this project is built, it is quite obvious there will be lots of children that will be taking the school bus. Before the bus picks up students, it has to turn on it's flashing red lights and come to a complete stop. At that time, no cars are permitted to pass in either direction. Rhododendron is currently 40MPH and the areas that children are picked up are on very tight corners. Will the buses be crossing over the center line to pick up children who reside on the east side of Rhododendron or will the children be required to walk across the street to meet the bus on the west side? Either scenario is very dangerous for the children and drivers on Rhododendron Drive.
4. There has not been a good study done regarding the storm water runoff being created by this new development. Phase II of Fairway Estates is starting to commence and the Storm Water situation must be dealt with before the first shovel is stuck in the ground. The last big rain over 3 years ago caused flooding to homes in Mariners Village, and those issues have not been dealt with to this date.

I am a retired Police Officer, and investigated more than my share of traffic accidents. It doesn't take a Police Officer or Traffic Engineer to see how unsafe this road is going to be even WITH a left turn lane for Southbound Rhododendron to Eastbound 35th. Putting 129 residences in this small 9 acre parcel is a formula for fatal accidents. I dare ANYONE in this City to make a left turn into Mariners Village from Southbound Rhododendron Drive and tell me this is a safe turn.

Rhododendron Drive is the #2 main thoroughfare to get across the city and most residents who live on the west side of Hwy 101 use it for just that. The City is proposing more housing projects of Rhododendron Drive, so ALL of these future plans, along with the current inventory of vacant lots should be taken into consideration before this plan is approved. Putting a high density housing project on a road that is currently unsafe borders on Criminal Negligence. I am asking that the City Council put this project on "Hold" until all these safety issues are resolved.

Respectfully,
Alan Matisoff

KENNETH P. DOBSON
ATTORNEY AT LAW

telephone: (971) 717-6582
email: landlaw.oregon@gmail.com
www.pdxlandlaw.com

324 S. Abernethy Street
Portland, Oregon 97239

October 13, 2020

VIA ELECTRONIC MAIL

City of Florence Planning Department
250 Highway 101
Florence, Oregon 97439
planningdepartment@ci.florence.or.us

Re: *Appeal of PC 20 07 PUD 01 and PC 20 08 SUB 01*

Greetings:

I represent Debra Fisher. Please accept this letter as Ms. Fisher's additional written testimony on appeal of the above referenced land use application. Please make sure this letter is included in the record before the City Council at its upcoming October 19, 2020 hearing on this appeal.

The Planning Commission's Reliance on FCC 10-23-5.H to Excuse Noncompliance with Various Conditions of Approval is Barred by ORS 197.307(4)

As discussed below and in the Planning Commission's Findings of Fact, the application at issue fails to comply with numerous requirements set forth in Title 10 of the Florence City Code ("FCC"), including those involving density, setbacks, parking, and street design. Nevertheless, the Planning Commission still approved the application and dismissed the various code violations by citing FCC 10-23-5.H, which purports to give the City the authority to waive certain requirements for planned unit developments. Specifically, FCC 10-23-5(H) states:

> "The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:
>
> 1. High quality building design using Old Town and Mainstreet Architectural Standards or higher standards.
> 2. Incorporation of unique land forms into the final PUD design.
> 3. More recreation space than the minimum required.
> 4. On-site amenities reflecting the value of both active and passive recreational facilities.

> 5. Natural resource protection, where identified as part of a preliminary site investigation report.
> 6. A mix of dwelling unit types and densities.
> 7. A mix of residential, commercial, and recreational uses, where zoning permits."

As discussed below, the Planning Commission erred in using this section to ignore the applicant's failure to comply the various code requirements because it failed to set forth sufficient findings based on substantial evidence on the record that a variance under this section was warranted. For example, this rule requires the applicant to demonstrate "Natural resource protection, where identified as part of preliminary site investigation." However, because the required Phase I environmental investigation has not yet been conducted, it is impossible at this stage to determine whether the criteria for allowing modifications to the code standards is appropriate.

More importantly, however, the Planning Commission's reliance on the FCC 10-23-5(H) is fundamentally flawed because the ordinance contains highly subjective language that runs afoul with the "Needed Housing Statute" set forth at ORS 197.307(4), which states in relevant part:

> "a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing." ORS 197.307(4); *see also Warren v. Washington County*, 296 Or App 595, 439 P3d 581 (2019) (invalidating certain local land use regulations for not being "clear and objective" in violation of needed housing statute).

On its face, the FCC 10-23-5(H), with subjective language such as "high quality," "reflecting the value," and "unique land forms" is anything but "clear and objective." The Planning Commission's analysis and application of this section was even more subjective. Accordingly, FCC 10-23-5(H) is invalid and unenforceable and cannot used to excuse the applicant's noncompliance with the numerous approval criteria discussed below.

The Applicant Has Not Met its Burden of Proof that a Reduction in the Required Number of Parking Spaces is Justified.

As noted in the Findings of Fact, the proposal lacks eight parking spacing required by FCC 10-3-4. FOF pp 14-15. Although the code allows an applicant to request reductions in the number of required spaces, the applicant must "bear the burden of evidence to justify the reduction proposed." In this case, the Planning Commission found that the requested adjustment was justified because (1) there are three perpendicular parking spots located off site on a loop road and (2) the Planning Commission is authorized to reduce amount of spaces required for single family homes.

However, the code makes clear that off-site parking may be used to comply with the parking space requirements for only non-residential uses. FCC 10-3-7 ("***Except parking for residential uses***, the vehicle parking spaces required by this Chapter may be located on another

parcel of land . . .") (emphasis added). Because the proposed off-site parking would be for residential use, the three parking spots in the loop road cannot be counted toward the number of spaces required for the proposal.

In addition, the fact that the Planning Commission has the authority to reduce the number of required parking spot when "justified" is not itself justification for exercising that authority. The applicant needs to offer more than just the mere authority to grant a modification to demonstrate that the requested reduction in the required number of spaces would be proper. Instead, in reviewing whether a modification to express approval criteria is warranted, it is necessary to determine whether applying the approval criteria as written would create special difficulties or other problems for the applicant. *JCK Enterprises LLC v. City of Cottage Grove*, 64 Or LUBA 142, 151-52 (2011) (city erred in granting variance to applicable approval criteria by failing to set forth findings demonstrating requested variance was necessary). Especially considering the numerous other requested variances and adjustments, applicant's failure to offer more concrete justification to support its requested modification to the parking space requirements requires that the application be denied or remanded.

The lack of required spaces is not the only problem with parking requirements. As noted in the Findings of Fact, the parking spaces for the single-family detached dwellings do not meet the dimensional requirements under the code and will require an exception or variance. FOF p. 18. The Findings of Fact also note that private street standards set forth at FCC 10-36-2-5 have not been met because of the absence of parking strips. Findings of Fact p. 70. However, the Findings of Fact do not specify how or why an exception or variance is justified or needed. This is another reason why the application must be denied.

Applicant has Failed to Complete the Required Phase I Environmental Investigation

The Findings of Fact note that the site contains wetlands identified in previous studies in 2013 and 2015. FOF p. 23-24. In addition, the City of Florence Soils maps shows that "Yaquina soils" exist on the project site. The confirmation of the presence of wetlands and Yaquina soils on the site triggers a mandatory Phase I Environmental Investigation. FCC 10-7-3. However, the required Phase I Environmental Investigation has not yet been performed. Although the Planning Commission made completion of the study a condition of approval, the study must be performed prior to the approval of the application.

If the Phase I Environmental Investigation corroborates the earlier findings, it would limit the amount of land available for the proposed development. In addition to restrictions on development of wetlands under the section 404 of the Clean Water Act and analogous state law, the presence of wetlands on the site could trigger additional requirements under FCC 10-7-4 and 10-25-5(F). The proposed development already exceeds allowable density under the code and the applicant has requested numerous other exceptions and variances to the applicable approval criteria to accommodate the new buildings, roads, and other features of the PUD. Accordingly, the layout of the proposed PUD and the feasibility of the entire application will turn on the amount of buildable land available. Until the size and dimensions of the wetlands and sensitive soils on the site are identified through the required Phase I Environmental Investigation, it is impossible to determine whether there is enough suitable land to accommodate the proposed

development or whether the current proposed footprint must otherwise be modified. Without this basic information, the application must be denied until the required study is completed.

The Requested Variance to the Density Requirements is Not Justified

The applicant is proposing a higher density ratio of 13.6 units per acre, which exceeds the maximum density of 12 units per acre as set forth at FCC 10-10-4(E). FOF p. 29. The Planning Commission's discussion on why a modification to this explicit requirement is warranted is conclusory and not supported by substantial evidence on the record. *JCK Enterprises LLC,* 64 Or LUBA at 151-52. Moreover, to the extent the Planning Commission relied upon FCC 10-23-5(H) to justify the modification, that section is not clear and objective and is thus barred by the needed housing statute.

The Application Does Not Meet the Interior Side Setback Requirements

The Findings of Fact note that the application does not meet the interior side setback requirements set forth at FCC 10-10-7(A)(c)(2). FOF p. 30. Although the Planning Commission allowed a variation to this standard based on FCC 10-23-5.H, this ordinance language purporting to allowing exceptions is not clear and objective and is therefore unenforceable under the needed housing statute. ORS 197.307(4). In addition, the Planning Commission failed to set forth sufficient findings as to why the requested variance is needed in the first instance.

The Traffic Impact Analysis is Inadequate

During the hearings before the Planning Commission, numerous neighbors provided testimony regarding the adverse traffic impacts the proposed 126 unit subdivision would create, especially as it relates to potential traffic congestion at the intersection of 35th Street and Rhododendron Drive, where cars would enter and exit the new subdivision. FCC 10-23-4(C) states:

> "The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets."

In attempt to comply with this requirement, the applicant submitted a traffic impact analysis ("TIA") prepared by its consultant, Kittelson and Associates, that concluded that no special traffic controls or turning lanes were needed to accommodate the traffic generated by the proposed development. As discussed in the Findings of Fact, the applicant's TIA was subject to a peer review analysis by Jim Hanks, PE which identified the following deficiencies:

- The traffic counts were conducted the week after Thanksgiving and did not accurately reflect seasonal traffic variations.
- The TIA failed to consider planned future development.
- The TIA failed to properly evaluate the problems with traffic turning at the intersection of 35th and Rhododendron Drive. FOF p. 36.

Based on this peer review, the Planning Commission originally required that the applicant submit a new TIA to address these concerns. However, shortly before the final vote on the application, additional traffic information was submitted. This information included traffic counts taken "mid-week" in late August and factored in potential traffic from two additional proposed subdivisions. Based on this supplemental information, the Planning Commission found that the TIA was adequate and approved the proposal notwithstanding the lack of dedicated turning lanes into the proposed subdivision from Rhododendron Drive. Unfortunately, the traffic in and out of the proposed subdivision will nevertheless still be hazardous and neither the applicant nor the Planning Commission has properly addressed the serious traffic safety concerns raised by neighbors and others.

For example, Mr. Hanks noted that the traffic study relied on off-season traffic counts from early December. Although the supplemental information supplied by the applicant included data from August, the counts were taken "mid-week" and do not reflect the level of traffic generated by visitors and part time residents that tend to flock to the Coast on weekends. Presumably, many of the dwelling units in the proposed subdivision will be used as vacation rentals or second homes and will experience significantly increased visitation on the weekends. These visitors will likely use the short-term rentals as bases of operation for exploring the nearby beaches, restaurants, and other tourist sites, increasing the amount of traffic in and out of the subdivision accordingly. It is imperative, therefore, that the data used in the TIA include weekend traffic data. In addition, the new traffic focused on "commuter hours" and does not take into full consideration traffic generated by retirees and people who work remotely who make up a disproportionate part of the population along the Oregon Coast. Because the TIA was based on incomplete information, it is inherently flawed and the Planning Commission's reliance on this incomplete study is another reason to reverse or remand the approval of the application.

The failure to include weekend traffic data is not the only problem with the modified TIA. Although the supplemental data included estimated traffic generated by two proposed subdivisions, there are currently five new subdivisions being constructed north of 35th Street. As noted by civil engineer Gary Plunkett, "[a] traffic engineering report which fails to consider the effects of future growth is essentially useless." Moreover, the traffic study did not examine the effect of the proposed subdivision on the nearby Coast Guard Road, which is located within 200 feet of the project's northern exit. In addition to serving as important egress and ingress for first responders, this road lacks adequate site clearance and has been the scene of accidents and many more near accidents. The effect of the proposed subdivision on this important roadway and emergency access must be considered in any TIA for the project. It also important to note that the area is within the tsunami zone, making the need for safe escape routes from nearby retirement communities (with many residents unable to flee by foot) even more important.

.

In addition to these unaddressed concerns, the proposal includes a modification in Loop Road's right-of-way width from the standards set by code that would make it difficult to locate utilities in the right-of-way and otherwise raises additional traffic safety concerns.. FOF p. 71. The code allows for variations to the street standards set forth in the code upon showing of "hardship" and consideration of a number of factors set forth at FCC 10-36-2-5(B). Although

the Planning Commission agreed to the requested modifications, it offered little explanation as to how or why enforcing the road standards would create a "hardship" and otherwise failed to set forth sufficient findings to support its decision to grant the modification. *See CRAW v. City of Warrento*n, 67 Or LUBA 263, 276-77 (2013) (city erred in granting "hardship" variance where findings did not set forth nature of alleged "hardship."). To the extent the Planning Commission was relying upon the more general language in FCC 10-23-5(H) relating to modification of approval criteria for PUDs, this ordinance language is not clear and objective and is therefore unenforceable under needed housing statute. For these reasons, the Planning Commission's decision to allow more narrow streets than what is required by the code was in error and the application must be reversed or remanded.

The Proposed Subdivision is Incompatible with Surrounding Neighborhoods

FCC 10-23-4(B) requires that:

> "The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses."

In this case, proposal would create 126 units of dense development, including multi-family housing, in an area surrounded by subdivisions containing primarily single-family homes. Without out a doubt, many of the new housing units will be used as short-term vacation rentals (AirBnB, VRBO, etc.) and will be a different type of use than the long term established residences in the surrounding neighborhoods. The type of vegetation and landscaping proposed is also inconsistent visually from the surrounding area in the Rhododendron Drive scenic corridor.

In evaluating whether a new subdivision is compatible with the existing neighborhood, it is important for the local jurisdiction to set forth specific findings which discuss the character and the nature of the surrounding areas and how the proposed development would be compatible. *See Kine v. City of Bend*, 72 Or LUBA 423 (2015) (city erred in setting forth conclusory findings that placing higher density residential development in the middle of an area zoned and developed with low density residential development was consistent the character of the existing area); *Poe v. City of Warrenton*, 64 Or LUBA 377, 385 (2011)) (city erred where finding of compatibility between proposed development and existing neighborhoods did not describe the "operating characteristics" of either use or evaluate the impacts of those operating characteristics on surrounding properties.); *Scott v. City of Jacksonville*, 60 Or LUBA 307, 314 (2010) (remanding decision to approve development where findings only set forth bare conclusion that development would have only "minimal adverse impact upon adjoining properties.").

In this case, the proposed density, increased traffic, and other basic characteristics of the proposed subdivision are inherently incompatible with the adjacent residential neighborhoods. Nevertheless, the Planning Commission still found that this approval criteria was satisfied. However, its conclusory findings regarding compliance with this requirement are skimpy at best and do not adequately explain the characteristics and nature of the surrounding neighborhoods or

the impacts on these neighborhoods caused by the new subdivision. For this reason, the Planning Commission's decision approving the application must be reversed or demanded.

The Stormwater Control Plan is Not Feasible.

The properties in the adjoining Sea Watch neighborhood west of this development have suffered riverbank failures and property damage because of surcharges of ground water migrating from the east. FOF p. 84. This problem and its relationship to stormwater infiltration from neighboring properties was confirmed by a comprehensive study performed by Dr. Gunnar Schlieder, PE. In light of this well documented problem, the Planning Commission imposed several conditions of approval. These include (1) requiring "no net increase" in offsite infiltration and (2) requiring the developer obtain the services of a qualified hydrogeologist and perhaps a coastal geomorphologist that can "bring a better understanding of all the factors in play." FOF p. 86. Although the applicant states it has hired a hydrogeologist, this does not properly address this important issue.

Although a local government may sometimes defer compliance with certain approval criteria through conditions of approval, the burden is on the local government to set forth findings that demonstrate that compliance with the conditions is feasible. *Harcourt v. Marion County*, 33 Or LUBA 400, 406 (1997). As LUBA explained, "[c]onditions of approval cannot substitute for a showing of compliance with the applicable criteria . . . Before the [local government] can impose conditions of approval, [it] must first establish that the criteria can be satisfied with the imposition of those conditions." *Thomas v. Wasco County*, 30 Or LUBA 302, 1996 WL 33118858, *9 (1996).

In this case, neither the Planning Commission nor the applicant explained what exactly needs to be done to ensure "no net increase" in offsite infiltration of water from the proposed 126 unit subdivision or whether complying with this highly technical condition of approval is feasible. So far, the hydrogeologist reportedly hired by the applicant has not offered any opinions as to whether a subdivision of this size and density can manage the anticipated stormwater flow and comply with the "no net increase" requirement. In fact, the Phase I environmental investigation, which will presumably help inform the opinions of the applicant's experts, has not even been prepared. In addition, without this basic information on how stormwater flow will be handled, it is unclear whether the subdivision footprint will have to be modified to accommodate the necessary stormwater control facilities, which, in turn, could affect the proposal's compliance with various other approval criteria. In short, it is impossible to determine at this stage whether the condition of approval is feasible and for this reason the Planning Commission's decision must be reversed or remanded. *See Oregon Coast Alliance v. City of Brookings*, 72 Or LUBA 222 (2015) (remanding city's approval of development for failure to set forth adequate findings on how stormwater hazards would be mitigated).

Sincerely,

Kenneth P. Dobson

Cc: Kelli Weese

From:	Steve WILLIAMS
To:	planningdepartment
Subject:	Usable space calculation - Appeal PC 20 07 PUD 01
Date:	Thursday, October 15, 2020 10:37:33 AM

Re: Appeal Resolution PC 20 07 PUD 01 and PC 20 08 SUB 1- Rhododendron Drive
From: Steve Williams, 18 Sea Watch Pl, Florence, OR 97439

Bc. Sea Watch BOD, Sea Watch Hearing Grp.

Dear Florence City Planning Committee:

I would submit this as supporting information for item #6 of Mrs. Fisher's appeal

At the 9/8/2020 meeting, Sandra Young pointed out to the Developer that the drainage canals were uneven rock that one couldn't walk on and therefore had to be moved and not counted as "usable area". The developer asked if they could change this area to a new design that could be walked on, could it count as usable? They agreed.

It seems an uncontested fact that the ratio of home footprints and total usable area is based on "net usable area" and not "gross acreage". The parameter seems to be if you can safely walk there.

I may be mistaken, but I believe the project may be including the street structures and street parking as "usable" areas in their density calculations. If so, I believe this would be contrary to code. Walking on a street in a traffic stream is not exactly safe. A parked car would allow no walking at all in that area.

By not correcting this, valid usable space (designed to provide outdoor activities) is greatly reduced.

In an inner city, children often have to resort to activities in the street because of lack of space. I don't think this is what the new look of Florence was trying to achieve.

I hope this can be corrected. Remember, this is a community that was promoted as affordable workforce housing (meaning young families with children).

Their safety and quality of life should be considered and protected.

Sincerely, Steve Williams

From: Kelli Weese
To: Roxanne Johnston; Dylan Huber-Heidorn
Subject: FW: planning commission"s approval of PUD development on Rhododendron Dr.
Date: Monday, September 28, 2020 10:55:14 AM

-----Original Message-----
From: Janice C Walters <janwalters@icloud.com>
Sent: Tuesday, September 22, 2020 1:45 PM
To: Kelli Weese <kelli.weese@ci.florence.or.us>
Subject: planning commission's approval of PUD development on Rhododendron Dr.

Dear Members of the Planning Commission, I received copies of the letters sent to you from Steve and Becky Williams, The Plunketts, and The Fishers, all from the Sea Watch Development. I am writing to lend my support to all their arguments for you to reconsider your decisions about the proposed PUD development to be located on Rhododendron Drive and 35th St. The concerns expressed in their appeals concur with my concerns even though I don't live in Sea Watch.

I hope you will reconsider the issues of the number of residents proposed, the traffic concerns, and the stormwater runoff. These are issues that will be concerning to all the residents in that area of Florence.

Sincerely,
Janice Walters
29 Mariners Ln.
Florence, O

Attachment 13
Applicant Response to
Petitions to Appeal

orence Holdings, LLC

October 9, 2020

VIA EMAIL (kelli.weese@ci.florence.or.us)

Florence City Council
c/o Kelli Weese
Florence City Hall
250 Highway 101
Florence, OR 97439

Re: Appeal of Planning Commission Resolutions PC 20 07 PUD 01 and PC 20 08 SUB 01

Dear Mayor Henry and Councilors Woodbury, Preisler, and Greene:

APIC Florence Holdings, LLC ("Applicant") respectfully submits this letter to the City Council in anticipation of the hearing on the above-referenced proceeding scheduled for October 19, 2020.

On August 25, 2020, the Planning Commission approved Applicant's Planned Unit Development Plan and Tentative Subdivision Plat for a proposed mixed residential development located near the intersection of Rhododendron Drive and 35th Street ("PC Decision"). The record developed before the Planning Commission is robust, and the findings in the PC Decision adequately address Applicant's compliance with the applicable review criteria from the Florence City Code ("FCC"). In addition, the Planning Commission adopted 36 conditions of approval to ensure that the future development will be consistent with the PC Decision and meets all applicable FCC requirements.

In their appeals to City Council, the appellants raise issues that can be categorized into five areas of concern:

(1) Compatibility of the development with the surrounding area;

(2) Compliance with FCC development standards;

(3) Stormwater management;

(4) Transportation improvements and traffic safety; and

(5) Short-term rentals.

The issues appellants raise in this appeal were already addressed and appropriately resolved by the Planning Commission. Specifically, the Planning Commission adopted specific conditions of approval in response to concerns about compatibility (e.g., condition 36), compliance with FCC

developments standards (e.g., conditions 4, 6, 7, 8, 8a, 9, 10, 12, 13a, 14, 33, and 35), stormwater management (e.g., conditions 26, 30 and 31), and transportation improvements and traffic safety (e.g., conditions 11, 13, 14a, 15, 17, 18 20a and 22). With respect to the short-term rental issue, during the Planning Commission hearing, the Planning Director testified that the short-term rental issue was discussed with City legal counsel and was outside the scope of the Planning Commission's consideration. The Planning Commission adopted detailed findings under FCC which address appellants' areas of concern including without limitation FCC 10-23-4-A, 10-23-4-B, 10-23-4-C, 10-23-4-D and 10-23-4-E dealing with compatibility, FCC 10-2-3, 10-2-8, 10-2-13, 10-10-1, 10-23-(1-10), and 10-34-(2-5) addressing development standards, FCC 10-36-3, 10-36-5, and 9-5-1 addressing stormwater, and FCC 10-35-2, and 10-36-2 addressing transportation improvements and traffic safety. Applicant wants to be a good neighbor and understands appellants' issues of concern, but appellants fail to allege with any specificity (1) how the Planning Commission erred or (2) how the issues raised on appeal present a remandable or reversible issue.

In closing, Applicant appreciates the opportunity to address appellants' five areas of concern in more detail during the October 19 hearing before the City Council and defend the PC Decision. Applicant is committed to working with the City as it moves forward with its development plans and notes that the project will again be subject to City review when Applicant files for final PUD and final plat approval. Applicant commends staff and the Planning Commission for the work on this project to date and respectfully requests that the City Council affirm the PC Decision. Thank you for your consideration.

Very truly yours,

Ashlee Sorber

cc: Wendy Farley-Campbell
Ross Williamson

AGENDA ITEM SUMMARY	**ITEM NO:**	3
FLORENCE CITY COUNCIL	Meeting Date:	October 19, 2020
	Department:	Public Works/ASD

ITEM TITLE: Accept proposal from Hyak to extend enterprise fiber optic service to the Wastewater and Water Treatment Plants for $128,000.

DISCUSSION/ISSUE:

With the onset of COVID-19, our normal way of doing business at the City's wastewater and water treatment plants is not compatible with our 'new' normal. This was especially evident when our traditional CenturyLink T-1 service was disrupted for over a week due to a contractor boring through 1200 plus pairs of phone lines at 7th and Kingwood streets. The contractor was not at fault for the damage since CenturyLink's contract locating service failed to locate/mark the conduit location.

With CenturyLink phone lines down, including our T-1 (phone company copper line) created an issue that we had no land line phone service or internet capabilities at the Wastewater Treatment Plant. Without internet, our staff at the treatment plant could not access City email or computer systems. Additionally, even though the Supervisory Control and Data Acquisition (SCADA) system is radio based for communications between the treatment plant and our sewer pump stations, the alarm autodialer is dependent upon traditional telecom lines to notify staff of alarms. This meant that the autodialer was down and was not able to dial out. We were blind as far as alarms go for the wastewater system and could not receive information concerning any issues at the treatment plant or any of the sewer pump stations. Also, without internet at that time, operators could not access the SCADA computer remotely through their VPN access.

During that outage, we quickly worked with a local vendor to set up a wireless internet solution so that we could reestablish access into the SCADA system using VPN. This at least allowed the plant operators to 'remote' into the SCADA system every hour on the hour until we were able to reestablish a dial up service for the autodialer.

Even after the CenturyLink phone lines were repaired, operationally with the need to video conference with staff (in order to provide physical distancing); provide virtual trainings in order for staff to maintain certifications and provide learning opportunities; and most importantly improve our technology to meet the demands of our growing community and the coordination of many moving parts to maintain successful operation of our plants.

We have been investigating various options for a long-term solution to our information technology needs at our two plants. Hyak currently has enterprise level fiber at Rhododendron Drive and Kingwood Street. This level of fiber connectivity would allow for a 10gbs (gigabit per second) transport circuit to the wastewater treatment plant with 99.99% reliability.

CenturyLink, which already has facilities within Rhododendron Drive can only provide 100mbs (megabit per second) to the water and wastewater treatment plant. While this is in line with what Spectrum (Charter) can provide to a residence, it is not a satisfactory bandwidth for operations of critical infrastructure.

The difference between 100mbs service and 10gbs is significant. 10gbs is 100 times the bandwidth of 100mbs. Additionally, 100mbs, while fast in yesterday's standard is actually older technology that will be outdated sooner rather than later.

Public Works, along with Administrative Services, reached out to Hyak and Century Link/Wave to provide not only construction costs, but on-going monthly service charges to bring high speed internet to the City Wastewater Treatment and Water Treatment plants.

In order to bring enterprise fiber optic 10gbs service to the Wastewater Treatment Plant, Hyak would need to install approximately 1,800 lineal feet of conduit and fiber optic bundle from their existing facilities located on Kingwood Street. They would start from an existing junction box on Kingwood, south of Rhododendron Drive and complete a directional bore along Rhododendron to the Wastewater Treatment Plant.

For the Water Treatment Plant, located at 24th and Willow Street, Hyak would need to install approximately 4,900 lineal feet of conduit and fiber optic bundle from their existing facilities located at 27th and Kingwood streets. This would also be a directional bore along the entire length of the 27th Street corridor from Kingwood to Spruce Street; south along Spruce to the alley between 24th and 25th streets; east along the alley and then terminate at the water plant.

The costs to install the enterprise fiber optic 10gbs service is:

Directional bore, conduit and fiber bundle to the WWTP	$40,000
Directional bore, conduit and fiber bundle to the WTP	$88,000
Total construction costs	$128,000

The comparison between Hyak's proposal and the proposal from CenturyLink/Wave is different since CenturyLink/Wave would be utilizing their existing infrastructure and would be based on a fixed monthly service fee of $1,035 per month. Hyak's monthly fee is only $99 per month for the first five years of service because we would be paying for the initial construction costs.

When we look at a five-year total cost comparison (construction and service charges) this provides a better illustration of the total costs involved in getting high speed internet to the treatment plants.

Cost of service comparison for five years, including initial construction:

CenturyLink/Wave ($1,035 per month per plant location)	$124,200
Hyak ($99 per month per plant location plus construction)	$139,880

Considering further analysis, CenturyLink/Wave is only providing 100mbs while Hyak will be providing 10gbs (100 times the bandwidth).

The construction costs to provide enterprise fiber optic service to these critical facilities can be reimbursed through CARES Act funding. When you remove the initial construction costs from Hyak's proposal, then the service cost comparison is very significant. For five years of high-speed internet service the comparison is:

Hyak ($99 per month per location for five years)	$11,880
CenturyLink/Wave ($1,035 per month per location)	$124,200

Considering that CARES Act funding is available for the construction and installation of high-speed internet, the savings to City water and wastewater customers is $112,320 over five years.

One final consideration for enterprise 10gbs fiber service is that as Hyak expands it coverage throughout the City, we will be able to migrate away from radio communication for our telemetry (SCADA) needs. With the steady demand for increased bandwidth and speeds, fiber-optic networks are the future for SCADA network and remote communication needs. Not only does fiber-optic networks provide tremendous bandwidth, but they are able to provide superior reliability, security and electromagnetic interference advantages over our traditional radio communication.

Since this is an unexpected opportunity to utilize CARES Act funding, one option would be to extend enterprise fiber service to our most vulnerable location, the Wastewater Treatment Plant. The cost to extend enterprise fiber service to only to the Wastewater Treatment Plant is $40,000. In this option, enterprise fiber service would not be extended to the Water Treatment Plant located at 24th and Willow Street.

FISCAL IMPACT:

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by the United States Congress with overwhelming, bipartisan support and signed into law by President Trump on March 27, 2020. CARES Act provides over $2 trillion in direct economic assistance for not only American workers, families, and small businesses, but also to local governments. $150 billion of CARES Act funding has been set aside for state, local and tribal governments to help with impacts from COVID-19.

The issue of connectivity and ability to stream video conference calls is now our new normal in performing our job tasks and responsibilities within the City. Both the Wastewater and Water Treatment Plants are significantly underserved in regards to technology capable of our new virtual office realities. The costs to install high-speed fiber optics to these facilities is eligible for reimbursement through the CARES Act.

Time is of the essence since funding is only available for project completed between March 1, 2020 and December 30, 2020. Hyak has assured the City that they will have the conduit and fiber bundle installed to each facility prior to December 30, 2020.

With reimbursement from CARES Act, the construction and installation of high-speed enterprise 10gbs fiber service to the Water and Wastewater Treatment Plants is fully funded.

The ongoing $99 per month per location is easily absorbed into each utility's (water and wastewater) budget.

One option for consideration would be to only extend enterprise fiber service to the Wastewater Plant and keep the existing service intact for the Water Treatment Plant. The Wastewater Treatment Plant only alternative would be $40,000 for the initial construction. The cost comparison for five years of service would be:

CenturyLink/Wave ($1,035 per month for the WWTP)	$62,100
Hyak ($99 per month service charge at WWTP plus construction)	$45,940

In this option, providing service to the Wastewater Treatment Plant only, Hyak construction costs and monthly service to the WWTP over five years is clearly the low-cost solution for the wastewater plant. Additionally, by only completing this option allows for additional projects to be funded by our CARES Act allocation.

RELEVANCE TO ADOPTED CITY WORK PLAN:

- City Service Delivery - efficient and cost-effective city services by maintaining and enhancing infrastructure as feasible.
- Livability & Quality of Life – being responsive to our community's needs with efficient, effective and sustainable service delivery.
- Economic Development – providing capital reinvestment into the wastewater and water treatment plants further enhancing the community's investment.
- Communication & Trust - strengthening citizen trust by providing cost effective and efficient equipment in the operations of the treatment facilities.
- Financial & Organizational Sustainability – leveraging federal funds that supports current and future needs.

ALTERNATIVES:	1. Accept full proposal from Hyak to extend enterprise fiber optic service to the Wastewater and Water Treatment Plants for $128,000. 2. Approve Option 1 from Hyak to extend enterprise fiber optic service to only to the Wastewater Treatment Plant for $40,000. 3. Do not accept proposal(s) from Hyak.

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to enter into a contract with Hyak to provide enterprise fiber 10gbs to the Water and Wastewater Treatment Plants.

AIS PREPARED BY:	Mike Miller, Public Works Director
CITY MANAGER'S RECOMMENDATION:	☑ Approve ☐ Disapprove ☐ Other Comments: ERReynolds
ITEM'S ATTACHED:	None

AGENDA ITEM SUMMARY	**ITEM NO:**	4
FLORENCE CITY COUNCIL	Meeting Date:	October 19, 2020
	Department:	Community Dev.

ITEM TITLE: STIF Letters of Support for LCOG and Coos Bay Area Transit

DISCUSSION/ISSUE:

Proposal: Lane Council of Governments (LCOG) and Coos County Area Transportation District (CCATD) are applying to the Oregon Department of Transportation for Statewide Transportation Improvement Fund support to fund operations providing transit service between Eugene and Florence, Florence and Yachats, Coos Bay and Florence and Coos Bay and Roseburg. Additionally, CCATD is applying for funding to purchase a new low deck transit vehicle to support routes to Florence and Roseburg.

LCOG and CCATD have requested assistance from Florence in the form of Letters of Support to accompany their applications due November 2nd. Mayor Henry typically signs support letters after consultation with the rest of the Council and receiving staff input. Drafts of these letters are attached as well as an information sheet from CCATD on their routes and bus purchase proposal.

Background:

LCOG's LinkLane provides routes between Eugene and Florence and Florence and Yachats. They continue to operate during COVID and waived fares beginning March 24th while following strict safety and sanitation protocol. Information about these routes is as follows:

The Eugene-Florence Connector – (*https://link-lane.org/schedule/eugene-florence-connector/*) has two round trips per day, seven days a week. The cost of a one-way ticket is $5 between Florence and Eugene and $1 each way between Florence and Mapleton. The bus begins and ends the route at the Eugene Amtrak station and Grocery Outlet in Florence. Stops are made in Downtown Eugene, Eugene Walmart on Commerce Street, Veneta, Mapleton, Three Rivers Casino, and Old Town Park.

The Florence-Yachats Connector – (*https://link-lane.org/florence-yachats-connector/*) has four round trips per day, Monday through Saturday costing $2.50 for a one-way ticket or $5 for all day service. The bus begins and ends the route at Grocery Outlet in Florence and Log Church in Yachats with a stop at the Carl G. Washburne State Park.

CCATD's Florence and Roseburg Express provide routes between Coos Bay and Florence and Coos Bay and Roseburg, respectively. They started these two routes in Mid-July 2020.

The Florence Express – (*http://www.coostransit.org/roseburg-2/*) has three round trips per day, on Monday, Tuesday, Thursday and Friday. The cost of a one-way ticket is $12 between Coos Bay and Florence. The bus begins the route at the VA Clinic\Safeway in Coos Bay and ends the route at Grocery Outlet after stopping at the Three Rivers Casino. Stops are made Lakeside, Winchester Bay, Reedsport, and Gardiner.

The Roseburg Express – (http://www.coostransit.org/roseburg/) has one round trip per day, on Tuesday and Thursday. The cost of a one-way ticket is $8 between Coos Bay and Roseburg. The bus begins at the VA Clinic\Safeway in Coos Bay and ends the route in Downtown Roseburg. Stops are made at Coquille, Myrtle Point, Camas Valley, the VA hospital among others.

FISCAL IMPACT:

- Staff time: There is minimal staff time involved in finalizing letters of support.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 6 Infrastructure & Capital Improvements. Objective 11: Continue efforts to increase public transit opportunities to Eugene and Coos Bay and support continuation of Yachats pilot program.

ALTERNATIVES:

1. Support LCOG's and CCATD's applications to the STIF funding program and authorize Mayor Henry to sign letters of support on behalf of the City of Florence; or
2. Do not support LCOG's and CCATD's applications to the STIF funding program
3. Support specific LCOG's or CCATD's applications to the STIF funding programs

RECOMMENDATION:

Staff: Recommends supporting LCOG and CCATD in their applications by providing letters of support and authorizing Mayor Henry to sign letters of support on behalf of the City of Florence.

AIS PREPARED BY: Wendy FarleyCampbell, Planning Director

CITY MANAGER'S RECOMMENDATION:

☑ Approve ☐ Disapprove ☐ Other

Comments: ERReynolds

ITEM'S ATTACHED:

Attachment 1 – LCOG Letters of Support
Attachment 2 – CCATD Letters of Support, Ask Letter, & Info Sheet

Items Available for Reference:

- LinkLane Florence to Yachats Connector Webpage
- LinkLane Eugene to Florence Connector Webpage
- CCATDs Florence Express Webpage
- CCATD's Roseburg Webpage
- STIF Program Website

Attachment 1

October 9, 2020

Statewide Transportation Improvement Fund
Rail and Public Transit Division
Oregon Department of Transportation
555 13th Street NE
Salem, OR 97301

RE: Letter of Support for Florence-Yachats Connector STIF Discretionary Grant Application

To Whom It May Concern:

The City of Florence is writing in support of Lane Council of Government's STIF Discretionary grant application requesting funding to continue operations of the Florence-Yachats Connector bus route. This bus service is vital in connecting Oregon Coast communities together along HWY 101.

Prior to the start of this route in Fall of 2018, the corridor between Florence and Yachats was the only stretch of HWY 101 that did not have a transit option; creating significant travel issues for those who are transportation disadvantaged and/or attempting to travel car-free. This route is now closing that gap and connecting with transit routes on both its north and south ends.

The Florence-Yachats Connector provides numerous benefits for visitors and residents. For visitors, it provides for and encourages car-free tourism along Oregon Coast; supporting economic development within Florence and helping to relieve traffic and parking volumes along HWY 101. For our residents, it provides an affordable and reliable transportation option within and beyond our city limits. Residents of both Florence and Yachats are able to travel by bus between our two cities in one day as needed for a broad range of trip purposes.

This route also connects with other routes allowing travel east to the valley; or north to Newport and beyond and south to Coos Bay and beyond. We regularly see residents and visitors use this route for travel along HWY 101. It is essential for connecting the community of Florence with the Statewide Transportation Network.

We strongly support this application for funding of this grant request. Thank you for your consideration.

Sincerely,

NAME

October 9, 2020

Statewide Transportation Improvement Fund
Rail and Public Transit Division
Oregon Department of Transportation
555 13th Street NE
Salem, OR 97301

RE: Letter of Support for Eugene-Florence Route STIF Discretionary Grant Application

To Whom It May Concern:

The City of Florence is writing in support of Lane Council of Government's STIF Discretionary grant application requesting funding to continue operations for the Eugene-Florence bus route. This service is vital for our community as it is a reliable and affordable travel option connecting Florence with the Eugene area as well as with other transportation networks in the Willamette Valley.

This route began in February 2020 and is already performing throughout COVID-19 conditions as a lifeline service for many of our community members and service providers who rely on it for travel between the coast and the valley. Without continued operating funds, many of our vulnerable and transportation disadvantaged population will not have another option when needs to travel between Eugene and Florence and beyond arise.

The City of Florence also values this route as it offers numerous other benefits for visitors and residents. Particularly as COIVID conditions lift, the route will continue to provide for and encourage car-free travel and tourism to and from the Oregon Coast and support economic development within Florence. We have already seen people take the bus with bikes and even surf boards on-board and we anticipate this use will only increase. This route is an essential transit link connecting our community to the Willamette Valley and beyond.

We strongly support this application for funding of this grant request. Thank you for your consideration.

Sincerely,

NAME

9/24/2020

Attn: Ms. Sarah Abigail Moehrke
Economic Development Catalyst
City of Florence, Oregon
Phone: 541-991-8276

SENT VIA EMAIL to sarah.moehrke@ci.florence.or.us
RE: Request for letters of support

Dear Ms. Moehrke,

Coos County Area Transit (CCAT) is one of many agencies currently requesting funds from the Oregon Department of Transportation (ODOT). The requested funds, if awarded, will allow us to continue to provide much needed service for vulnerable populations traveling within Coos County and to surrounding areas such as Florence and Roseburg.

We are requesting three letters of support from your agency. Sample support letters are attached for your convenience. Support letters include:

1. Florence grant support letter
2. Roseburg grant support letter
3. Vehicle grant support letter

Your support may include the letters of support with a commitment of funds as match for our ODOT grant or just the letters of support without a commitment of funds.

Please copy and paste the sample support letter verbiage for each of the three letters onto your agency letterhead. Return the letters by email and US Mail. If your agency is not able to provide funds as match for our grant simply delete the second paragraph that contains the funding commitment from each letter before returning.

Thank you in advance for your support,

David Hope, General Manager

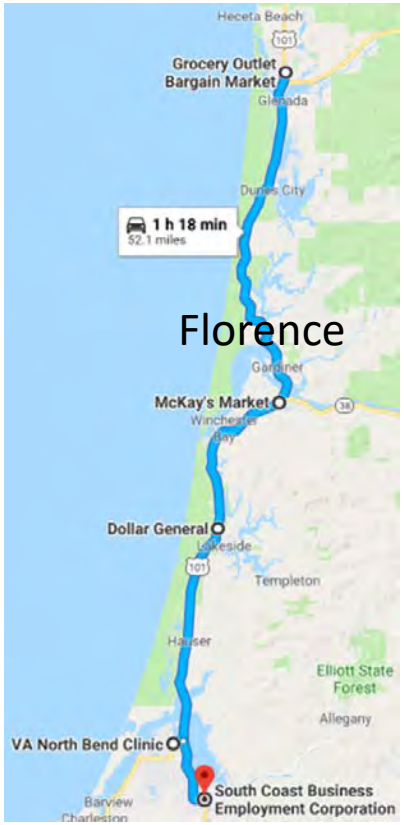
Attachments:
1. Florence support letter
2. Roseburg support letter
3. Vehicle support letter
4. Power Point grant requests

Coos County Area Transportation District
Florence & Roseburg Routes

Florence net request July 2021- June 2023 $243,470

Roseburg net request July 2021- June 2023 $84,989

Both routes started Mid July, 2020. Covid-19 reduced the potential ridership



Service Tuesday and Wednesday. One round trip per day.

Service Mon., Tue., Thurs., & Fri. Three round trips per day.

Coos County Area Transportation District
Low Floor Transit Vehicle

- Low floor transit vehicle:
  - Safety, more efficient, passenger convenience
  - Better suited for deviated service on main roads (our current vehicles have to pull off the road to load/unload a wheelchair)

Approximately
$120,000 Net

Please paste this letter onto your letterhead and update the yellow highlighted areas.

Date

Attn: Mr. David Hope, General Manager
Coos County Area Transportation District
2810 Ocean Blvd.
Coos Bay, Oregon 97420

dhope@coostransit.org
541.267.7111

SENT VIA EMAIL AND U.S. MAIL

RE: Florence grant support letter

Dear Mr. Hope,

Please accept this letter as support from [agency/business name] for the project entitled "Florence grant" submitted by the Coos County Area Transportation District (CCATD). The requested Oregon Department of Transportation (ODOT) grant funds, if awarded, will allow the CCATD to continue to provide much needed service for vulnerable populations traveling within Coos County and from surrounding areas such as Curry County to Florence three times per day four days per week.

With this letter, I confirm [agency/business name] will make matching funds available in the amount of [$Amount].

Questions regarding our commitment outlined above for the grant request should be directed to [Name] at [phone] or [email].

Sincerely

Authorized Official

Date

Please paste this letter onto your letterhead and update the yellow highlighted areas.

Attn: Mr. David Hope, General Manager
Coos County Area Transportation District
2810 Ocean Blvd.
Coos Bay, Oregon 97420

dhope@coostransit.org
541.267.7111

SENT VIA EMAIL AND U.S. MAIL

RE: Roseburg grant support letter

Dear Mr. Hope,

Please accept this letter as support from [agency/business name] for the project entitled "Roseburg grant" submitted by the Coos County Area Transportation District (CCATD). The requested Oregon Department of Transportation (ODOT) grant funds, if awarded, will allow the CCATD to continue to provide much needed service for vulnerable populations traveling within Coos County and from surrounding areas such as Curry County to Roseburg and back once per day two days per week.

With this letter, I confirm [agency/business name] will make matching funds available in the amount of [$Amount].

Questions regarding our commitment outlined above for the grant request should be directed to [Name] at [phone] or [email].

Sincerely

Authorized Official

Date

Please paste this letter onto your letterhead and update yellow highlighted areas.

Attn: Mr. David Hope, General Manager
Coos County Area Transportation District
2810 Ocean Blvd.
Coos Bay, Oregon 97420

dhope@coostransit.org
541.267.7111

SENT VIA EMAIL AND U.S. MAIL

RE: Vehicle grant support letter

Dear Mr. Hope,

Please accept this letter as support from [agency/business name] for the project entitled "Vehicle grant" submitted by the Coos County Area Transportation District (CCATD). The requested Oregon Department of Transportation (ODOT) grant funds, if awarded, will allow the CCATD to purchase a much-needed vehicle to provide service to vulnerable populations traveling within Coos County and from surrounding areas such as Curry County, Florence, and Roseburg five days per week.

With this letter, I confirm [agency/business name] will make matching funds available in the amount of [$Amount].

Questions regarding our commitment outlined above for the grant request should be directed to [Name] at [phone] or [email].

Sincerely

Authorized Official

AGENDA ITEM SUMMARY		**ITEM NO:**	5
FLORENCE CITY COUNCIL		Meeting Date:	October 19, 2020
		Department:	Administrative Services Department – Human Resources
ITEM TITLE:	City Manager Evaluation Process		

DISCUSSION/ISSUE:

The annual performance evaluation for the City Manager typically takes place prior to the end of each calendar year. The evaluation acts as a check in point for the City Council goals review and as a general continuation of the goal setting process. The proposed process and timeline seek to strike a balance between efficiency in evaluation procedures and allowing each of the five supervisors (City Council) a voice in the evaluation process. It takes a majority vote by the City Council as a body to approve an evaluation of the City Manager.

The Quality Review Team (QRT) consists of the Mayor, Council President, and the Council VP as an alternate. The QRT annually reviews the evaluation process and forms and presents a report to the City Council regarding any suggested modifications for Council as a whole to choose to adopt.

Last year, the City Council participated in a thorough discussion and review of the process and associated forms to replace the process and forms that had been used previously. The QRT reviewed the process and forms used last year and determined that no changes were needed.

Members of the Council will work through the evaluation with the City Manager and hold an annual evaluation via executive session. The evaluation will then be approved by the City Council during a Council meeting. A tentative date for these meetings has been scheduled for the December 16th City Council meeting. See immediately below for a tentative timeline:

Nov. 23	**24**	**25** City Manager Self Evaluation Delivered to City Council	**26 - Thanksgiving** Council Review & Perform Individual Evaluations	**27**
Nov. 30	**Dec. 1**	**2**	**3** Council **<u>Individual Evaluations Due</u>** to Quality Review Team (Mayor & CC ident)	**4** Quality Review Team (Mayor & CC President) Compile Individual Evaluations

Dec. 7	**8** **<u>Compiled Evaluation due</u>** to City Manager / Recorder	**9**	**10** Compiled Evaluation & Draft Contract Amendments due to City Council	**11**
Dec. 14th Annual Evaluation **Executive Session** & Approval and Salary Adjustments at **Council Meeting**				

FISCAL IMPACT:
Review of the City Manager evaluation form and process incurs staff time for compilation and review and has no other fiscal impact.

RELEVANCE TO ADOPTED CITY WORK PLAN:
Goal 1: Deliver efficient and cost-effective city services.

ALTERNATIVES:

1. Approve as presented.
2. Approve with amendments.
3. Do not approve.

RECOMMENDATION:

Staff recommends approval of the City Manager Form and Process as presented.

AIS PREPARED BY: Alex Ferguson, HR Manager

CITY MANAGER'S RECOMMENDATION: ☑ Approve ☐ Disapprove ☐ Other

Comments: ERReynolds

ITEM'S ATTACHED: Attachment 1 – City Manager Performance Evaluation Process
Attachment 2 – City Manager Performance Evaluation Form

City of Florence
Performance Evaluation
City Manager

OVERVIEW

City Manager Evaluation	
Purpose	Pages 1-2
Process & Timeline	Page 3
Executive Session Signatures	Page 4

CITY MANAGER EVALUATION

PURPOSE

The purpose of the employee performance evaluation and development report is to increase communication between the City Council and the City Manager concerning the performance of the City Manager in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives that assist in the achievement of the City Council goals. This performance evaluation is intended to promote efficient and effective performance, to identify good performance and to identify areas where improvement could result in more efficient and effective performance.

- What is a City Manager Evaluation?
  - The process of planning, reviewing, and providing feedback on the performance of the City Manager
  - A means of demonstrating organizational accountability to citizens, employees, and key regional partners
  - A means of maintaining alignment between goals set and achievements reached
  - An element of decision about compensation
  - A means of determining the need for further professional development, education, or training

- What is the role of the City Council?
  - Be familiar with…
    - All policy established by Council that describes how authority is delegated to the City Manager and its proper use monitored;
    - The City Manager's role and his/her authority and accountability;
    - Constraints on the City Manager's authority which establish practical, ethical, and legal boundaries within which all staff activity and decision-making will take place and be monitored; and
    - What the Council intends for the City to achieve.
  - Provide annual review of the City Manager's performance and results achievement

- Maintain a balance of support and trust with a relationship of accountability with the City Manager.

- Opportunities
  - In a relationship of trust and support, Council members and the City Manager can have an honest dialogue about what is being accomplished, where the gaps may be, and how to maintain progress. Good relationships promote candor and constructive planning.
  - Evaluate the WHAT and the HOW – Results that should be accomplished and the leadership skills that should be demonstrated.
    - Examples of WHAT include: Fulfillment of the City Mission, achievement of the objectives on the Annual Performance Plan, operational effectiveness, fiscal and staff management, public relations, and advocacy.
    - Examples of HOW include: Personal qualities such as integrity and commitment, interpersonal skills such as effective communication and influence, and leadership skills such as vision, staff development, innovation, and process efficiency.

- Pitfalls to Avoid
  - Council members represent a diverse group of voices that may not be unified in their expectations of the City Manager.
  - Relationships are too close, supportive, and friendly, there can be a reluctance to bring up areas of performance that need improvement and a tendency to avoid conflict.
  - Compensations adjustments do not reflect the results of the annual review.
  - Members of the Quality Review Team have no experience in performance management.

PROCESS

The City Council shall conduct a review and evaluation of the City Manager's work performance at least annually. The results of such evaluation shall commend areas of good performance and point out areas for improvement. It shall also be the basis for contract extension and compensation decisions.

1. **If the criteria, standards, and policy directives change, a public process is to be followed as outlined in ORS 192.660 (1)(i).**

2. **The timeline for the process is as follows:**

What	Who	When
Quality Review Team: • Council appoints a Quality Review Team (QRT), consisting of Mayor and Council president. • The Council VP shall serve as an alternate member of the Council in the absence of the Mayor or Council President for any team meetings.	Quality Review Team: • Mayor • Council President • Council VP (Alternate)	January / February
Mid-Year Quality Review Team Meetings: • Council may elect to whether they wish to perform the mid-year evaluation summary. • If performing, QRT meets mid-year with City Manager to review adherence to the governance policies, City Manager Evaluation Summary, and the City's progress on the Annual Council Goals.	Quality Review Team: • Mayor • Council President • Council VP (Alternate) City Manager	July / August

Review Evaluation Process and Form: • QRT will annually review the evaluation process / forms and present a report to the City Council regarding any suggested modifications, as needed, for Council to choose to adopt.	Quality Review Team: • Mayor • Council President • Council VP (Alternate)	September/ October
City Manager Self-Evaluation: • The City Manager provides the City Council with a self-evaluation, a critique of performance and a highlight of accomplishments.	City Manager	November
Individual Councilor Evaluation: • QRT will coordinate the distribution of evaluation forms to members of the City Council, collect the forms from Council members and compile a summary evaluation compiling the results of the individual evaluations. • QRT may elect to have the City's HR Department compile the evaluation results.	Quality Review Team: • Mayor • Council President • Council VP (Alternate) City Councilors	November/ December
Annual Evaluation Executive Session: • City Council will review the results of the self-evaluation in an executive session of the Council with the City Manager. • Council may elect, at the request of one (1) Councilor, to review the Individual Councilor Evaluations without the City Manager present prior to discussing the results with the City Manager. • The City Manager may request an open meeting.	City Council City Manager	December
Annual Evaluation Approval and Salary Adjustments: • A summary of the results of the evaluation and proposed contract / salary adjustments will be presented at a regular meeting of the City Council.	City Council	By December 31st

INSTRUCTIONS

Review the City Manager's work performance for the entire period; try to refrain from basing judgement on recent events or isolated incidents only. Disregard your general impression of the employee and concentrate on one factor at a time.

Evaluate the City Manager on the basis of standards you expect to be met for the job to which assigned considering the length of time in the job. Check (✓) the number which most accurately reflects the level of performance for the factor appraised using the rating scale described below. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the "N/O" column next to the factor.

This evaluation has been reviewed and discussed between the City Council and the City Manager on:

DATE: _____

Council Members	Concurrence
_____ Joe Henry, Mayor	YES / NO
_____ Woody Woodbury, Council President	YES / NO
_____ Ron Preisler, Council Vice-President	YES / NO
_____ Joshua Greene, Councilor	YES / NO

City Manager

_____ _____

Signature Date

Performance Evaluation
City Manager

Evaluator Name: _____ Date: _____

RATING SCALE DEFINITIONS (0-4)

*Unsatisfactory	0	The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
*Needs Improvement	1	The employee's work performance does not consistently meet the standards for the position. Serious effort is needed to improve performance.
Meets Job Standard	2	The employee's work performance consistently meets the standards the position.
Exceeds Job Standard	3	The employee's work performance is frequently or consistently above the Standard level of a satisfactory employee, but has not achieved an overall level of outstanding performance.
Outstanding Performance	4	The employee's work performance is consistently excellent when compared to the standards of the job.

**For any score given of "Unsatisfactory" or "Needs Improvement", you must provide a written explanation in the comments for the section in which you gave the score.*

I. Performance Evaluation and Achievements

1. City Council Relations						
Does the City Manager:	**0**	**1**	**2**	**3**	**4**	**N/O**
A. Effectively implement policies and programs approved by the City Council?						
B. Maintain timely, clear, concise and thorough reporting to the City Council of current plans, new developments, and anticipated issues?						
C. Assist Council in setting goals and objectives that are productive and realistic, while reaching towards agreed-upon long-term community vision?						
D. Participate in Council discussions and makes recommendations where appropriate, but allows Council to make policy decisions without exerting undue pressure?						

	Comments Related to City Council Relations (Notable achievements? Areas needing improvement?):

	2. Organizational Leadership NaN					
Does the City Manager:	**0**	**1**	**2**	**3**	**4**	**N/O**
A. Encourage Department Directors to make decisions within their own jurisdiction, yet maintains general control of administrative operations and holds Dept. Directors accountable?						
B. Provide an overall environment that encourages good employee morale, lessens employee turnover, and develop a friendly and informal relationship with the workforce as a whole?						
C. Encourage professional development opportunities and plans for staff and council?						
D. Diligently lead the organization to pursue and achieve the goals established by City Council?						
	Comments Related to Organizational Leadership (Notable achievements? Areas needing improvement?):					

	3. Stakeholder & Customer Relations						NaN
Does the City Manager:		**0**	**1**	**2**	**3**	**4**	**N/O**
A. Maintain effective relations with media representatives?							
B. Bring positive options and ensures resolution of conflicts and citizen complaints?							
C. Make themself open to suggestions from the public concerning improvements in services?							
D. Effectively communicate and ensure the public is informed of what is going on in the community?							
E. Build and maintain active partnerships with local, regional, state, and federal government jurisdictions and agencies, as well local non-profits and non-governmental organizations?							
	Comments Related to Stakeholder and Customer Relations (Notable achievements? Areas needing improvement?):						

	4. Financial Management						NaN
Does the City Manager:		**0**	**1**	**2**	**3**	**4**	**N/O**
A. Develop long term financial plans and keep Council informed about revenues and expenditures to allow Council to anticipate and respond to changes in the City's finances?							
B. Make sound financial decision that consider the cost/benefit?							
C. Ensure that the City budget is based on a sustainable service and funding strategy so that ongoing expenses are supported by ongoing revenue?							
D. Prepare and propose a well-documented, balanced, understandable, and realistic budget in a timely manner that is available to the public?							

E. Pursue financial resources from other sources?						
Comments Related to Financial Management (Notable achievements? Areas needing improvement?):						

5. Work Habits	NaN					
Does the City Manager:	**0**	**1**	**2**	**3**	**4**	**N/O**
A. Ensure both oral and written communication is clear, concise, and articulate?						
B. Anticipate problems or issues and exercise sound judgment and decision making prior to reaching a solution?						
C. Demonstrate flexibility by accepting, adjusting to changes, and creatively solving problems?						
D. Address issues impacting the City, including with the Council, Department Heads, Staff, and Citizens, in a fair and impartial manner?						
E. Demonstrate a willingness to explore new ways to leverage existing and potential assets?						
F. Exhibit high standards of ethical behavior?						
Comments Related to Work Habits (Notable achievements? Areas needing improvement?):						

NaN

6. City Work Plan Goals Accomplishments

- Look at whether the Manager achieved a high quality and quantity of goals during past year, as set out in achievable work plan.
- If difficulties arose which prevented attainment of goals, did the Manager communicate those complications to City Council and Department Heads and seek all available alternatives to meet goal?

	0	1	2	3	4	N/O
1. **City Service Delivery.** Sustain and improve the delivery of cost effective and efficient services to citizens of Florence and our visitors.						
2. **Livability and Quality of Life.** Sustain and improve the City's livability and quality of life for Florence residents and visitors.						
3. **Economic Development.** Create a strategy and actions aimed toward sustaining and expanding the Florence economy.						
4. **Communication and Trust.** Sustain and improve the City's communication and strengthen citizen trust.						
5. **Financial and Organizational Sustainability.** Sustain and improve the City's financial position, City-wide policies, and the infrastructure networks to support current and future needs.						

Comments Related to Work Plan Goals:

Additional Commentary

II. Summary Rating

Overall Performance Rating – the following overall rating is calculated by averaging each of the above ratings: 0.00

Summary Comments:

III. Future Goals and Objectives

Specific goals and objectives to be achieved in the next evaluation period:

IV. Conclusion

You individual scores will be averaged and compiled with the rest of the Council's. You are requested to sign the final composite evaluation form, which will be presented to you at the Executive Session on December. 16th.

Thank you very much for your time and input on this evaluation.

AGENDA ITEM SUMMARY	**ITEM NO:**	6
FLORENCE CITY COUNCIL	Meeting Date:	October 19, 2020
	Department:	Various

ITEM TITLE: GENERAL REPORTS *– Council Question & Answer Only – No Presentations*

- September Committee, Commission & Volunteer Reports

AGENDA ITEM SUMMARY	**ITEM NO:**
FLORENCE CITY COUNCIL	Meeting Date: October 19, 2020
	Department: All

ITEM TITLE: Commission, Committee & Volunteers Report – September 2020

DISCUSSION/ISSUE:

Airport Volunteers	
Department: Public Works	Staff: Mike Miller – Public Works Director
Volunteers from the Airport Volunteer Group is in standby mode until restrictions related to COVID-19 are lifted.	

Audit Ad-Hoc Committee	
Department: Finance	Staff: TBD
No report.	

Budget Committee	
Department: Finance	Chairperson: TBD
No report.	

Community & Economic Development Committee	
Department: Administration	Chairperson: Sarah Moehrke, Economic Development Catalyst
The Community & Economic Development Committee met on September 17th to discuss the upcoming work session with the City Council and consequent update to the Committee's work plan. They heard reports from Mike Miller, Public Works Director on the Parks department. The Committee asked questions of staff regarding the portion of the budget that is dedicated to the parks program and how much of the Parks' program is sponsored by grants. They also heard a report from Wendy Farley-Campbell, Community Development Director on the state of housing. Committee members asked questions of staff about the community's response to ADUs and the affects of the updates to the residential housing codes that the Committee worked on in 2019. During the conversation about the work plan, committee member expressed desires to focus the Committee's work in the next years on workforce development, housing, and parks. The next steps for the Committee are to narrow their focus and draft a memo for the City Council of the Committee's desired projects and priorities. The CEDC meets next on October 15 at 3:45 p.m.	

Environmental Management Advisory Committee (EMAC)	
Department: Planning	Chairperson: Katie Prosser
Nothing to Report.	

Florence Events Center Volunteers / Friends of the FEC	
Department: Florence Events Center	President: Kirk Mlinek
No Report.	

Florence Urban Renewal Agency	
Department: Administrative	Staff: Kelli Weese – City Recorder / Eco. Devo.
The Florence Urban Renewal Agency did not meet in September.	

Florence Urban Renewal Agency Budget Committee	
Department: Finance	Staff: TBD
No report.	

Parks Volunteers	
Department: Public Works	Staff: Mike Miller – Public Works Director

- Old Town Park (Gazebo Park): Three (3) volunteers provided a total of 8 hours of labor picking up liter, pruning vegetation, weeding, and sweeping leaves from the plaza.
- Adopt-A-Street Program: Rhododendron Drive 35th to Sebastian Street (2.2 miles). Two volunteers spent a total of 16 hours picking up litter along Rhododendron Drive which resulted in approximately 29 pounds of trash being removed from the right-of-way.
- Exploding Whale Park (formerly River Beach Access Park): Two (2) volunteers from Resurrection Lutheran Church provided a total of 2 hours of labor picking up litter and trash from the park, including within the new expansion area. The volunteers again noted that even with all of the use at the park, there was a minimal accumulation of trash in and around the park.
- Singing Pines Park: Due to COVID-19 restrictions there were no volunteer activity from Shoreline Christian Church.

Planning Commission	
Department: Planning	Staff: Wendy FarleyCampbell – Planning Director
No Report.	

Police Auxiliary	
Department: Police	Director: Len Larson
No report.	

Police Reserve Officers	
Department: Police	Staff: Tom Turner – Police Chief
Program not active	

Public Arts Committee	
Department: Administrative	Chairperson: Harlen Springer and Vice-Chairperson Jo Beaudreau

September 2020 Public Art Committee Council Report

Images are included to assist readers and provide better context of content.

Continuing Education

Caravaggio: Master of Light: youtube.com/watch?v=R1Icb_7gj5k

Archived Continuing Education

- Art Therapize Yourself: youtube.com/watch?v=ns1JLumRZCA
- When Art Restoration Goes Right? youtube.com/watch?v=_D1aB45KjMc
- What this Photo Doesn't Show: https://www.youtube.com/watch?v=3AVNhTi9pzM
- Art That Was Never Finished: youtube.com/watch?v=-VDVo9akCiQ
- Art that Bring Me Comfort: youtube.com/watch?v=UNYcC4WvqO4:
- How to Look at Public Art: youtube.com/watch?v=MNO14EzuPM4
- Why Murals: youtube.com/watch?v=TS1oPqP2qyY
- Where the 1960;s "Psychedelic" Look Came From: youtube.com/watch?v=9vuqI2v2IRs
- Art & Empathy: youtube.com/watch?v=zOW4YVEaTKI

PAC Narrative City Council Report for September 2020

The Public Art Committee has combined two of their meetings from August and September into an earlier one originally scheduled on September 28th to September 14th. Meeting was held virtually, and was covered by the Siuslaw News (See Below).

The meeting went over past work plans and what ideas and inspiration PAC has for Council to consider for the next Council and City Work Plan. From this meeting to the next, members have been charged with further developing their ideas to share with the group.

During the week of September 21st, three new works from the ArtExposed Program have been installed. The remaining two are still in the planning stages. Siuslaw news was able to cover the installations (See below).

Next Public Art Meeting was Scheduled for October 19th due to a Council Meeting. This meeting has been rescheduled to October 26th. Meeting info Here: ci.florence.or.us/bc-pac/public-art-committee-meeting-65

9/14 Meeting Materials: ci.florence.or.us/bc-pac/public-art-committee-meeting-64
9/14 Meeting Recording: video.ibm.com/recorded/127879851

Nursing Dow by Steve Tyree
*Now Located at Gazebo Park*Medium: Bronze Sheet Metal
Dimensions: 4' x 4' x 2'
Weight: 200 lbs
Price: $11,000

Date Created: 2017
Steve Tyree has been sculpting in Bronze since 1996. He has developed his unique methods by making his own tools and anvils for shaping. *Nursing Doe* was created by hammered bronze sheets and welded together. All sculptures are all one of a kind. Tyree describes his work "to be designs of wildlife inspiring people to appreciate the bird or animal in terms of form, shape, balance and movement." He finds that his inspiration derives from his love of wildlife.

Ravens by Steve Tyree
East Side of Interpretive Center
Medium: Fabricated Bronze on Steel Base
Dimensions: Height: 84" Width 28", 18" deep, Base: 23" x 32"
Weight: 150 lbs
Price: $7,000
Date Created: 2019

Three Blue Spires by Gerry Newcomb

Rain Garden of Interpretive Center
Medium: Cast Glass/Steel
Height: 126" x 36" x 30"
Price: $25,000
Date Created: 2019

Value of Florence Public Art Works

1. To date, the PAC has installed $159,600 worth of artwork for the community to enjoy at a cost to the City of less than $50,000. A fantastic Return on Investment!!

2. The artwork we actually now own, the art we own is worth $59,100 at a cost to the city of $41,600. It is pretty rare that the City (any City) actually makes money on anything.

As we enter the budget process, it is important to understand that PAC actually has a positive financial impact on the City.

ARTWORK	DATE INSTALLED	VALUE	COST	Date Sold	REVENUE GENERATED		NET COST
Scenic Column	September, 2015	$15,000	$7,500		$7,500	Gift/Grant	0
Cascade	August, 2017	$2,000	$500		0		$500
Totem Pole	August, 2017	$15,000	$500		0		$500
Running Horse	April, 2018	$1,800	$500		0		$500
Copper Leaf Tree	May, 2018	$3,500	$1,000	Oct. 2019	$900	(Commission)	$100
Transformation	May, 2018	$15,000	$1,000		0		$1,000
WestCoastO Overlook	Jun-18	$7,500	$1,000		0		$1,000
Sitting Waqve Part II	June, 2018	$2,800	$1,000		0		$1,000
Stiching Time Mural	August, 2019	$30,000	$59,700		$20,000	(Grant)	$39,700
The Crystal Tree	Oct. 2019	$3,500					
3 Blue Spires	Sept, 2020	$25,000	$1,000				$1,000
Nursing Doe	Sept, 2020	$11,000	$1,000				$1,000
Ravens	Sept, 2020	$7,000	$1,000				$1,000
Rusted Spire	Oct. 2020	$2,500	$1,000				$1,000
LowPoly Open Heart	Oct,2020	$18,000	$1,000				$1,000
	TOTAL	$159,600	$77,700		$28,400		49,300

VALUE OF ARTWORK OWNED BY THE CITY

Artwork	Date Acquired	Value	Net Cost
West CoastOverlook	Sept, 2020	$7,500	$1,500
Sitting Wave Part II	Sept, 2020	$2,800	$400
Cascade	Aug, 2017	$2,000	0
Totem Pole	Aug, 2017	$15,000	0
Running Horse	April, 2018	$1,800	0
Stiching Time Mural	Aug, 2029	$30,000	$39,700
	TOTAL	$59,100	$41,600

SN Siuslaw News

SATURDAY, SEPTEMBER 26, 2020

Public Art Committee considers next 'Steps'

Siuslaw News Coverage of Meeting: thesiuslawnews.com/article/public-art-committee-considers-next-steps

Work plan, Highway 101 steps on agenda Sept. 16, 2020 — The Florence Public Art Advisory committee (PAC) met Sept. 14 for the group's scheduled monthly meeting. The agenda for the meeting was short, with much of the afternoon's proceedings dedicated to review of the work done previously by PAC — and a more in-depth discussion regarding one of the projects left

previously unfinished.
Harlen Springer, PAC Chairperson, moderated the afternoon session and initially spent time discussing the projects that have been completed by PAC, moving quickly to the unfinished "Steps" project, located on the east side of the Siuslaw River Bridge.
These steps are currently a flight of concrete stairs connecting Highway 101 with Historic Old Town Florence, descending to the paved parking lot on Bay Street across from River Roasters. The art committee has long expressed a desire to make the steps into a public art piece, incorporating lights and adding supplemental landscaping into the hillside.
The "Steps" project, as it generally referred too, has drawn scrutiny from some members of the community and stands as the most notable casualty of the disassociation of FURA from the funding stream for public art in Florence.
The discussion Monday was centered around the main jurisdictional obstacle to moving forward with the "Steps" project, reaching an agreement with the Oregon Department of Transportation (ODOT).
"Once ODOT decided it was part of their jurisdiction, they wanted to get involved, and once you get ODOT involved, now you are in the never-ending cycle of back and forth ... Sarah (Moehrke) has been through this in spades as well as Kelli (Weese), and where we are now is we still need to get a response back to ODOT on the latest epistle they wrote us," Springer said.
City Recorder Kelli Weese provided the members with a basic update on where the process with ODOT stands and emphasized the major stumbling point was the length of a potential agreement with the state.
"We have to do an Intergovernmental Agreement (IGA) with ODOT and that basically gives authority to install the lights and maintain them ... we want that agreement generally, to give the city authority to maintain it in perpetuity — or at least for a longer set amount of time," Weese stated.
There are a couple of other significant issues regarding the "Steps" project, which may prove to be more challenging than reaching an agreement with ODOT. The initial funding source for the project was the Florence Urban Renewal Agency (FURA). As a result of the dissension and conflict which surfaced around the installation of the Quince Street mural, Florence City Council decided that it would no longer fund PAC purchases.
Making matters more difficult, the contract with intended "Steps" artist Jennifer Brinkerhoff has expired.
Springer recapped the funding issues and suggested the process could be re-energized by repackaging the original project and incorporating some of the suggested ODOT modifications into the new design package.
A review of the history of the project was provided by city staff and Springer, and the decision on whether or not to resubmit the plan was tabled until Oct. 8.
PAC's meeting also included the initial discussion on the development of a new work plan, which will be submitted to the Florence City Council for approval at the earliest possible date.
The next PAC meeting is scheduled for Oct. 19 at 4 p.m.

For more information, visit www.ci.florence.or.us/bc-pac.

Siuslaw News

SATURDAY, SEPTEMBER 26, 2020

'Three Blue Spires' joins Florence's public art

Siuslaw News Coverage of Three Blue Spires and ArtExposed: thesiuslawnews.com/article/three-blue-spires-joins-florences-public-art

Additional art to be installed Friday
Sept. 23, 2020 — The first of the latest round of Florence Public Art Committee's "Art Exposed" Rotating Art Gallery was installed and unveiled Tuesday at the Siuslaw Interpretive Center on Bay Street in Historic Old Town Florence. "Three Blue Spires," a cast glass and steel sculpture, was created by Gerry Newcomb from Seattle, Wash. Newcomb created the 10-foot-tall piece to echo the "organic forms of water and nature" by combining metallurgy, glass and rocks. All artwork in the rotating art gallery are for sale, with a portion of the price going to the City of Florence for the purchase of future public art displays.

9/26/2020 Siuslaw News Coverage: thesiuslawnews.com/article/ravens-deer-alight-in-historic-old-town-florence

Siuslaw News

SATURDAY, SEPTEMBER 26, 2020

'Ravens,' deer alight in Historic Old Town Florence

City of Florence Public Works staff and artist Steve Tyree unload "Nursing Doe" at its new location at Old Town Park. The installation of "Nursing Doe" and "The Ravens" Friday morning was attended by Public Art Committee members Jo Beaudreau and Harlen Springer, along with artist Steve Tyree and Florence City Councilor Woody Woodbury.

Florence Public Art Committee installs next round of rotating art
Sept. 26, 2020 — The next series of public art pieces has been added to the City of Florence's "Art Exposed" Rotating Art Gallery. Three new art pieces are being installed in Historic Old Town Florence this week, with the addition on Friday of two more pieces that are on temporary loan from the artists, with an eye towards selling the work. Members of Florence Public Art Committee (PAC) were on hand to participate in the unveiling.
According to PAC Vice Chair Jo Beaudreau, this next series of Art Exposed will bring a new slate of art, from different artists, with very different approaches to the creation and display of their work.

The latest series of pieces was selected from many talented entries sent in by artists across the country.

"The new installations in the in this round of 'Art Exposed' is very exciting for the livability of our residents, especially now during COVID. Art Exposed provides a safe, educational and creative experience for all ages," Beaudreau said.

The new pieces installed this week include the piece "Three Blue Spires," which was unveiled Tuesday at the Siuslaw Interpretive Center, and "Nursing Doe," which was installed at Old Town Park, and "Ravens," now located on the west side of the interpretive center.

Both "Ravens" and "Doe" were created by artist Steve Tyree, from Seattle, Wash., who was on hand for the installation and unveiling on the rainy Friday morning.

"All of my pieces are fabricated, which means it's made from bronze metal sheets about 1/8" thick and then hammered and welded together. This is a much different process then forging," Tyree said. "Because of the process I use, these pieces are one of a kind. They are all different and that is what makes them special — each one is unique from start to finish."

The continuation of Art Exposed and some of PAC's projects was in doubt earlier this year due to funding issues and leadership problems that overshadowed the selection and placement of art. In addition, the funding for PAC was significantly reduced and the individuals involved in the selection of the art has also significantly changed.

The current members of PAC are Chairperson Harlen Springer, Beaudreau, Peggy Meyer, Christine Santiago, Patti Williams, Kathleen Wenzel, Karl Engel, Kristen Dill and Nancy Pearson, along with City Councilor Woody Woodbury and City Recorder Kelli Weese as ex-officio members.

However, PAC was able to agree on the five finalists for the next round of Art Exposed at its July 27 meeting.

Beaudreau encourages the community to take advantage of the opportunity to enjoy these pieces while strolling through Old Town.

"'The Three Blue Spires' piece is unique in not only it's fabrication but also in its relation to where it is displayed. The spires echo the rhythm and flow of the Siuslaw River, the flow of life and the flow of native people," she said. "Please do take a walk through the interpretive center to enjoy this work and specially to see how the sun shines through the cobalt glass with the Siuslaw bridge in the background."

In a Facebook post about the piece, Florence Mayor Joe Henry said, "Now here is a piece of art that I can appreciate." He thanked both artist Gerry Newcomb and the PAC in the post.

Beaudreau also was impressed with the "Ravens" which was installed on the east side of the interpretive center.

"'Ravens' is a unique combination of styles, both postmodern with the steel base and the hand-fabricated bronze realistic ravens perched at the top on a branch," she said, describing the piece. "Despite this work being metal, Tyree is able to show movement and motion. I personally enjoy this work because of the duality and contrast of postmodern structure holding a natural looking form of bronze with the framing of the pines, the nature around us. The caring interaction of the birds is also something that I find powerful within this work as well."

The next PAC meeting is scheduled for Oct. 19 at 4 p.m.

For more information, visit ci.florence.or.us.

Additional References from Narrative & More Information

Art Quest Project on Hold

Some of us are new and we haven't been able to learn about some of the PAC projects. One was a joint community effort doing an ART Quest. The Siuslaw News just ran a really cool story about where PAC got the idea in the story: https://thesiuslawnews.com/article/quest-offers-alternative-outdoor-fun.

'Quest' offers alternative outdoor fun

Other or Regional Community Public Arts WOW!

People from around the world are doing and encouraging each other to be creative. Multiple local and belond groups have popped up encouraging people to be creative.

Inspiration from ARTlandish & The Curious Forge

Inspirational images from tour ARTlandish & The Curious Forge, September 2020 in Nevada City, CA More Information about this location: ARTlandishStudios.org and TheCuriousForge.org

Maker Space is the Curious Forge that provides tools, support, space, co-working space, rental space, storage, for Artists and Entrepreneurs! ARTlandish is a space above Curious forge that is focused more of Visual Arts such as painting and sculpting

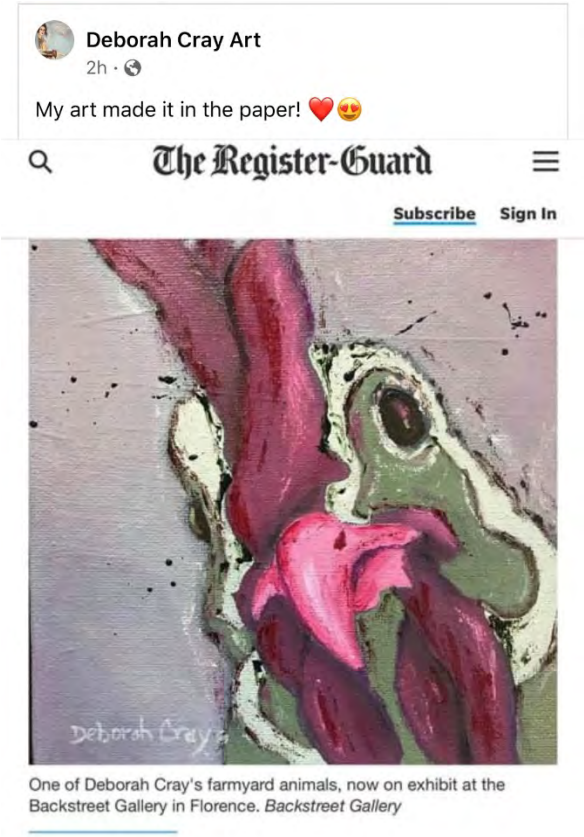
Lane County Arts Convening

Learn More HERE: http://lanearts.org/lane-county-arts-convenings/

The Sustainability / Audience Engagement Connection

The presenter in this session, Ron Evans, is a past co-worker of PAC Member, Jo Beaudreau, when she worked at Arts Council Silicon Valley. It is a small world!

Why We Need Arts in Times of Crisis
https://www.artworkarchive.com/blog/why-we-need-arts-in-times-of-crisis



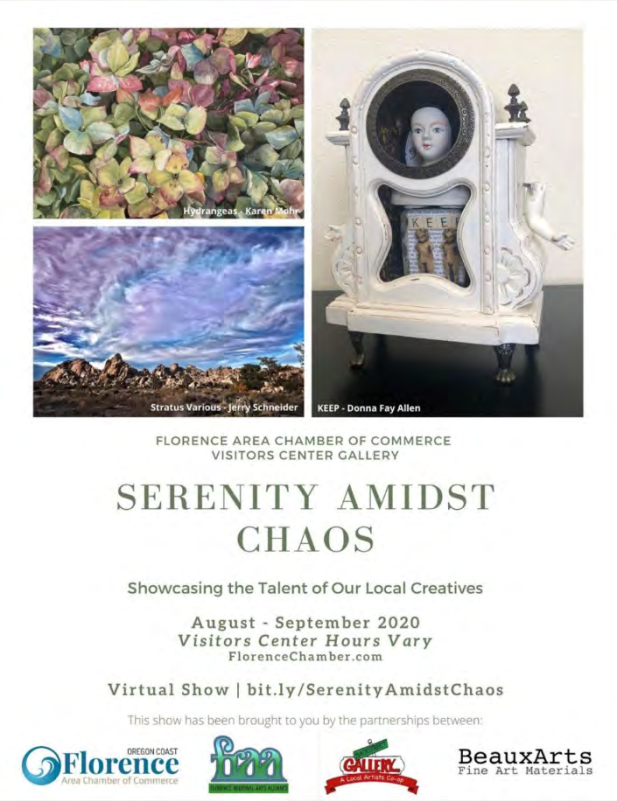
One of Deborah Cray's farmyard animals, now on exhibit at the Backstreet Gallery in Florence. *Backstreet Gallery*

Our Community Public Arts WOW!
Local Artists & Creator Highlights

Local Artist Deborah Cray featured in The Register-Guard
Read more:
registerguard.com/story/entertainment/2020/09/22/matts-picks-delgani-performs-backstreet-gallery-honors-diverse-artists/3490154001/

Last Chance - SHOW ENDS 9/30
Serenity Amidst Chaos Chamber Visitor Center Show
The Florence Area Chamber of Commerce (Florence Oregon Coast) loves to showcase the talent of our local creatives.

Artists artwork from Florence Regional Arts Alliance, Backstreet Gallery, and BeauxArts Fine Art Materials & Gallery are on display at the Chamber Visitors Center Gallery from August through September 2020 under the theme



Serenity Amidst Chaos.

Artists on Display
Donna Fay Allen
Kristin Anderson
Larry Bishop
Zabeth (Edie Carhart)
Hailey Copeland
Deborah Cray
Kathryn Damon-Dawson
Kris DeNoyer
Debbie Goetschi
Bill Johnson
Dennis Kelley
John Leasure
Tom Lederle
Elizabeth Lugg
Karen Mohr
Sue Monroe-McCreery
Julie Peake
Jane Pittenger
Jerry Schneider
Allen Thornton
Patti Williams
Annette Yuga

Visitors Center Hours Vary at the Chamber's Visitors Center, visit FlorenceChamber.com

Visit the Show Safely Online for the Virtual Show: bit.ly/SerenityAmidstChaos

Facebook Event: https://www.facebook.com/events/3947772464819426/?active_tab=about

#LoveLaneArt
Florence Public ART used in Promotions

Show your love for local arts and culture by using the hashtag #LoveLaneArt!
Jump on social media to follow local artists, talk about your favorite murals, sculptures, and music, and share stories about the arts in your life. We hope these conversations will inspire engagement with art in Lane County by promoting discovery and sharing of our own arts experiences.
Follow us on Facebook (https://www.facebook.com/lane.arts.council) to join the conversation, and help us spread the word about the value of the arts in Lane County.
The #LoveLaneArt campaign kicks off with #VisualArtsWeek 2020, happening August 7th-15th, and continues the celebration of Lane County arts and culture all year long!
View the #LoveLaneArt Toolkit:
https://docs.google.com/document/d/1dHCnrBqcgdQDH5L9sqfQCFuKCVtXmp0s_WVA5mi9T_s/edit?usp=sharing
Download the #LoveLaneArt Logo:
https://drive.google.com/drive/folders/1A0aKT0SnxfZ0Bt4Prd9MSlaSoGc6CEYp?usp=sharing
Learn more:
http://lanearts.org/lovelaneart/

Siuslaw News Coverage: https://thesiuslawnews.com/article/lovelaneart-launches-to-promote-engagement-with-the-arts-in-lane-county

Florence Area #LoveLaneArt
LaneArts, FRAA and Local Art Partnership

FRAA is helping coordinate at our local level with #LoveLaneArts with a contest:

TO DO
Take two different pictures of You!

1) In front of a piece of art at the FRAA Art Center that inspires you
2) In front of a piece of Public Art in Florence, OR (see Map - http://bit.ly/FlorencePublicArtLocations)

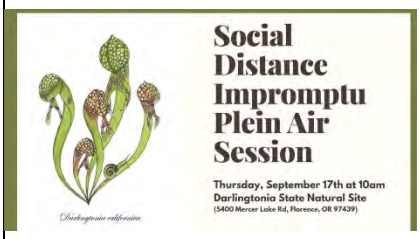
HOW TO SUBMIT
You can submit either:

1) Using our online submittal form
2) Email to fraaoregon@gmail.com
3) Send glossy photos to FRAA, PO Box 305, Florence, OR 97439

WHAT TO SUBMIT
1) Your two pictures
2) In the text indicate that you agree that FRAA can post your pictures in our social media related to this campaign. Your pictures will not be used for any other purpose.

Learn more: http://www.fraaoregon.org/artawareness.html

Local Art Group - The Painty Rag
Since local artists are not able to meet up and be creative together, one group has been meeting virtually 1 to 2x per week. They've even created a website to share information: thepaintyrag.wordpress.com



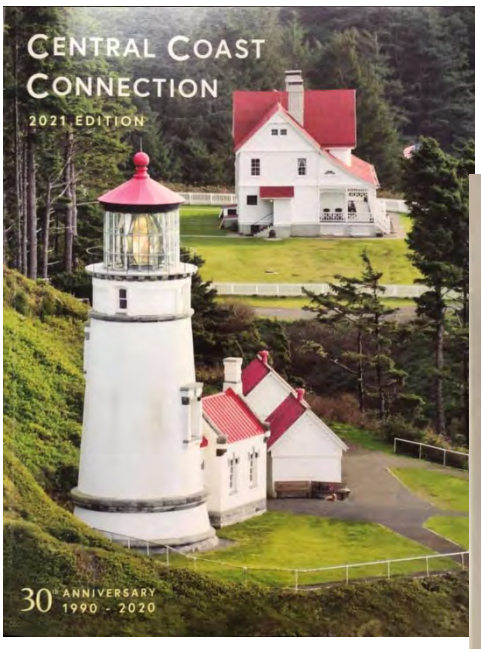
Plein Art Sessions
An open group of artists have been doing impromptu social distancing Plein Air around the City of Florence. This group is now developing a show to share work with community.

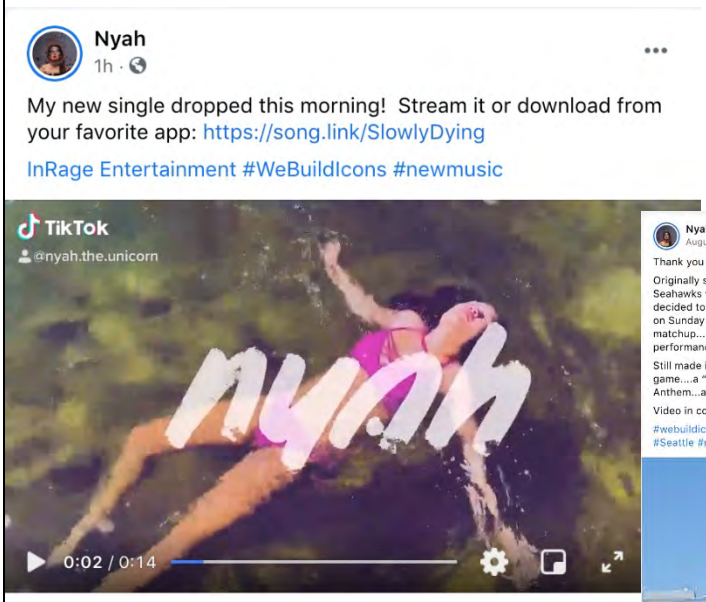
Culinary *Local Eats* are developing creative ways and yummy foods to continue to feed our community. Local restaurants have developed specials, limited menus, special holiday food packages that are easy Take Out/Home options. As more businesses reopen, many have still developed creative ways of serving customers their amazing creations including menu updates and edits.

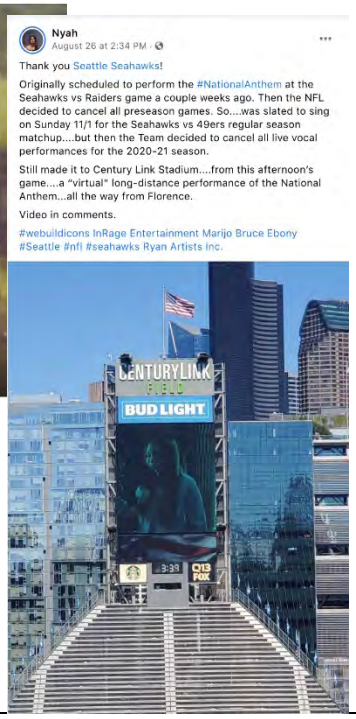
Arts & Economic Development

City of Florence has developed a weekly business resource email that helps local businesses of various types - these communications that have been developed are creative and innovative resources.

Call for Phone Book Cover Art
Call has been completed. Awardee won't be announced until publication of Phone Book in the Fall.







Nyah

Local music talent Nyah dropped a single 9/4/2020!!!
Learn more HERE - https://song.link/SlowlyDying
Nyah's Social Media - https://www.facebook.com/nyahtheunicorn/

CROW Pumpkin Carving Contest

Hey, Jack! Howzabout you join us for something fun and uplifting this October? Stay tuned....the gory details are coming soon! In the meantime, polish up those carving tools, and start dreaming up your nifty and creative design. There WILL be prizes!! (Yes, you read right....I said P-R-I-Z-E-S!)
#crowrocks #theartsreallydomatter #crowpumpkincontest

Siuslaw News Coverage: thesiuslawnews.com/article/carve-out-a-little-time-for-crows-2020-pumpkin-carving-and-design-contest?fbclid=IwAR30Nm5oGAqYNiunUKI67XQcrm4XxkN-jQpKfdZRC0O13jMpeCrKpnNPTsg

Various Local Artists have posted free tutorials/worksheets online and have been encouraging all to participate with what they have.

- **Beautification For Florence Committee** via Chamber is doing what they can from home, working on Spacemaking Parklets & Banners connecting areas of Florence Uptown to Old Town on 101. Two PAC Members are directly involved in helping these projects move forward.
- **Florence Regional Arts Alliance**
  - Now Open and have been able to rotate & update art
  - Serenity Amidst Chaos Show at the Chamber Visitors Center
  - #LoveLaneArts Contest
- **Florence Events Center**
  - Closed doors until TBA due to COVID-19
  - FFEC Renaming Contest - Results & Info TBA
  - No FEC Gallery Committee Meeting until TBA
  - Send out request for donations from Friends of the FEC
- **SeaCoast Entertainment** at Florence Events Center
  - TBA
- **CROW**
  - TBA
  - Pumpkin Carving Contest
- **City Light Cinema**
  - Siuslaw News Coverage - See Above
- **Siuslaw Library District**
  - Limited Computer Use
  - Book returns are safely collected & processed

    - Books can be requested and picked up at Library
    - Continued Online Services
    - Subscribed to CreativeBug
- **Siuslaw Viewfinders Club**
    - Doing Monthly themes - July is TBA
    - Newsletter HERE - TBA
- **KXCR** - [Featured Artist Radio Show](kxcr.net/show/featured-artist/) - kxcr.net/show/featured-artist/
    - New episodes of Featured Artist due to COVID-19
- **Three Rivers Activities**
    - Reopened with restrictions, more info: https://thesiuslawnews.com/article/casino-reopens-with-new-safety-measures
    - Starting Up Entertainment Events See images below
- **2nd Saturday**
    - Some Galleries open & doing light tour items
    - Revamping
- **BackStreet Gallery**
    - Now Open
    - Community Art Call - Shellabration
        - https://www.backstreetgallery.org/shell-a-bration-community-challenge
    - Featured Artists
        - TBA
- **Chamber of Commerce/Visitors Center -** Limited Visitor Center Hours
    - **Artist of the Month** - Group Show, see above

Transportation Committee (TC)	
Department: Planning	Chairperson: Bob Steele

Our next TC meeting will be on Thursday, October 8th at 2:30. Again, we will be meeting electronically via the GoToWebinar virtual system. You should have received a Join the Webinar email from the City of Florence. If not, contact Roxanne Johnson.

Please, be prepared to discuss any transportation work plan programs and issues that need to be brought to the attention of the Florence City Council at the Council work session slated for November 16th at 10:30 a.m. Last year's areas of concentration were:

- Transportation System Plan
- Florence Municipal Airport
- Public Transportation
- Old Town Parking Requirements

A memo to the City Council will be created documenting our meeting discussion points.

You all have heard the good news. The City has received a Transportation Growth Management Program grant to update the City's Transportation System Plan. Our role is to assist the City were needed with the update process. The exact nature of our role will be defined in the coming months.

FISCAL IMPACT:

The fiscal impact of the committees and volunteer groups varies depending on their scope of work. Staff time is allocated to support the committees, and ensure committees comply with Oregon public meetings laws by preparing and posting agendas and minutes and/or digital recordings for meetings.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: Deliver efficient and cost-effective city services.

AIS PREPARED BY: Report written by Committee members and/or City of Florence staff and compiled by Kelli Weese, City Recorder

CITY MANAGER'S RECOMMENDATION: ☐ Approve ☐ Disapprove ☐ Other

Comments:

ITEM'S ATTACHED: None

AGENDA ITEM SUMMARY	**ITEM NO:**	7
FLORENCE CITY COUNCIL	Meeting Date:	October 19, 2020
	Department:	Various

ITEM TITLE: REPORT & DISCUSSION ITEMS

- City Manager Reports & Discussion Items
- City Council Reports & Discussion Items