

**STAFF REPORT & FINDINGS  
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Commission  
Exhibit "A"**

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**Public Hearing Date:** September 9, 2015      **Planner:** Glen Southerland  
**Date of Report:** September 2, 2015  
**Application:** PC 15 17 PUD 01

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for tentative Subdivision Plan and Preliminary Planned Unit Development (PUD) approval to develop Fairway Estates, formerly Sandpines West Shore (Phase II and III), a 40 single-family residence PUD.

**Applicant:** Michael Pearson, representing owner, Pacific Golf Communities, LLC and Roberts Land Co.

**Property Owners:** Pacific Golf Communities, LLC  
Roberts Land Co.  
Sandpines West Master Association, Inc.

**Location:** 4200 Block of Rhododendron Drive, a 10-acre parcel approximately 1,200 feet north of the intersection of 35<sup>th</sup> Street and Rhododendron Drive,

**Site:** Map # 18-12-15-00, Taxlots 01200 and 01300;  
Map # 18-12-15-33, Taxlot 04700; and  
Map # 18-12-15-34, Taxlot 04300

**Comprehensive Plan Map Designation:** Open Space/Medium Density Residential

**Zone Map Classification:** Single Family Residential District

**Surrounding Land Use / Zoning:**

Site: Vacant / Single Family Residential  
North: Mariner's Village / Single Family Residential  
South: Sandpines West / Mobile Home/Manufactured Home  
East: Sandpines Golf Course / Single Family Residential  
West: Coast Guard Estates, Sea Watch Estates, Coast Guard Station  
Siuslaw / Single Family Residential

**Streets / Classification:**

Site – None (Proposed Private); West – Rhododendron Drive – Minor Arterial; North – None; East – None; South – Royal St. Georges Drive – Local (Private)

## II. NARRATIVE:

In 2005, the Florence Planning Commission approved the tentative subdivision plan for Sandpines Phases II and III. In 2007, the property owners of Phase II and III applied for a modification to their tentative plan to construct a sidewalk and bike path only on one side of Rhododendron Drive. This modification was approved by the Planning Commission on August 8, 2007.

On June 24, 2008, the then property owners submitted an application for three additional modifications. The modifications applied for were the change of phasing from Phases II and III to Phases IIa, IIb, and III; a revision to their stormwater management plan; and a request to move lot lines to address access issues. The phasing plan was approved by the Planning Commission, but following this approval, deadlines for the project were not met and the approval expired. The property was sold and has changed hands several times since its original approval in 2005.

The applicant submitted an application for a tentative Subdivision Plan and Preliminary Planned Unit Development on July 22, 2015. With the application, as required, the applicant submitted a narrative, Traffic Impact Analysis, site plan and geometry information, survey, and stormwater information.



The application was deemed "complete" with the following requirements on August 20, 2015: the applicant was asked to submit a Phase I Site Investigation Report, plat maps, and details regarding open space areas. The applicant was also asked to reconsider street names, as Blue Heron Way is a duplicate of a street name used elsewhere in Lane County and Ironwood is also used elsewhere in Lane County in different forms than that proposed. In addition, the applicant was asked for information regarding their application to the Department of Environmental Quality for their method of stormwater discharge and construction activities for an area greater than an acre.

### III. ISSUES

The applicant was required to submit a Phase I Site Investigation Report. The SIR was completed on the due date for staff findings. Staff will submit a supplemental staff report to the Planning Commission following the review of this Phase I Site Investigation Report.

As part of staff review of FCC 10-23-5-G, the 10-acre area of the parcel was found to be inaccurate and no other figure given in the materials provided by the applicant. The taxlots comprising the entirety of this proposed project area also includes some property at the northern end of proposed "Blue Heron Way" and "Deer Haven Lane" which has not been proposed as part of Phase I Fairway Estates. An RLID (Regional Land Information Database) estimate of the parcel gave an area of over 12 acres. More detailed information is needed from the applicant in order to accurately determine compliance with some City Codes which require those figures.

As a result of the above issue, Open Space has been calculated at 88,922 square feet, only 17% of the project area and falling short of the 20% required by FCC 10-23: Planned Unit Developments. Please see the Staff Recommendation following the findings for further information.

### IV. NOTICES & REFERRALS:

**Notice:** On August 19, 2015 notice was mailed to surrounding property owners within 300 feet of the property. On August 19, 2015 a sign was posted on the property. Notice was published in the Siuslaw News on September 2, 2015.

At the time of this report, the City received written comments from:

**Referrals:** On August 19, 2015 referrals were sent to the Florence Building Department; Florence Police Department; Florence Public Works; United States Postal Service; Department of Land Conservation and Development; and Siuslaw Valley Fire and Rescue.

At the time of this report, the City received comments from:

Fire Marshal Sean Barrett, August 19, 2015, stated no concerns. Fire Marshal Barrett stated that fire flow testing has not yet been completed due to there being no functioning water system on the property at this time. He stated that existing roads

meet fire code requirements and that any gate shall meet code or SVFR requirements. **Exhibit G**

Public Works Director Mike Miller, September 2, 2015, had several comments regarding existing water and sewer utilities, modifications needed, and new services needed. Other comments include deficiencies noted with received stormwater plans, vegetated swales, clean-outs located within the vegetated swales, curbs and gutters, and Multi-Use Path. **Exhibit H**

## **V. APPLICABLE REVIEW CRITERIA**

### **Florence City Code, Title 9:**

Chapter 5: Stormwater Management Requirements

### **Florence City Code, Title 10:**

Chapter 1: Zoning Administration, Section 1-5

Chapter 3: Off-Street Parking and Loading, Sections 2 through 4, and 8

Chapter 7: Special Development Standards, Sections 2, 3, 5, and 6

Chapter 11: Single Family Residential, Sections 2, and 4 through 5

Chapter 23: Planned Unit Development, Sections 1 through 8, 10, and 13

Chapter 35: Access and Circulation, Sections 2-2, 2-3, 2-5 through 2-14, and 3-1 through 3-3

Chapter 36: Public Facilities, Sections 1, 2-1 through 2-6, 2-8 through 2-23, and 3 through 8

Chapter 37: Lighting, Sections 2 through 6

### **Florence City Code, Title 11:**

Chapter 1: Subdivision Administration, General Provisions, Sections 2 through 6

Chapter 3: Major Partition, Tentative Plan Procedure, Sections 1 through 7

Chapter 5: Platting and Mapping Standards, Sections 1 through 5

Chapter 7: Modifications, Subdivision Regulations, Section 1

### **Realization 2020 Florence Comprehensive Plan:**

Chapter 2: Land Use, Policy 7

Residential, Policies 1, 4, and 11, Recommendation 1

Other Plan Designation Categories and Background: Private Open Space

Chapter 7: Development Hazards and Constraints, Policies 1 and 2

Chapter 11: Stormwater Management, Policies 1 through 22

Chapter 12: Transportation, Policies 6, 8, 9 13, 14, and 23

## **VI. PROPOSED FINDINGS**

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

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### **FLORENCE CITY CODE**

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#### **TITLE 10: CHAPTER 1: ZONING ADMINISTRATION**

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**10-1-1-5: LAND USE HEARINGS:**

- A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**
- B. Notification of Hearing:**
  - 1. At least twenty (20) days prior to a 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 quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.**

Notification of the quasi-judicial land use hearing for this planned unit development application was mailed on August 19, 2015, 22 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 September 2, 2015. The notification procedures meet the requirements of FCC 10-1-1-5.

- C. Notice Mailed to Surrounding Property Owners - Information provided:**
  - 1. The notice shall:**
    - a. Explain the nature of the application and the proposed use or uses which could be authorized;**
    - b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
    - c. Set forth the street address or other easily understood geographical reference to the subject property;**
    - d. State the date, time and location of the hearing;**
    - e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**

- f. **State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
- g. **State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
- h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- i. **Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

The notice mailed to surrounding property owners as described above contained information regarding the nature of the application and uses proposed; applicable criteria applying to the issue; the street address of the property; the date, time and location of the meeting; the need to "raise it or waive it" appeal rights; stated that the application and criteria were available for inspection at no cost and would be provided at reasonable cost; stated that a copy of the staff report would be available no less than seven days prior to the hearing regarding the item; included a statement of the requirements for submission of testimony; and included the name of the staff person to contact, telephone number for the Planning Department and an email address where questions or testimony could be sent. The application was properly noticed and these criteria are met.

**D. Hearing Procedure: All quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 10.**

The Planning Commission will meet and decide upon the application in accordance with FCC (Florence City Code) 2-10.

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

- 1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
- 2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
- 4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major**

**requirements, then the burden has not been met and approval shall be denied.**

The Planning Commission will receive all evidence deemed relevant at the public hearing. The Planning Commission may deny approval should they determine that insufficient evidence has been provided to support the application. The burden to supply such evidence is upon the applicant.

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

Notice of Decision shall be mailed to the applicant and all parties providing testimony either in writing or verbally at the hearing who provided a mailing address.

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**TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS**

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**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. (Ord. 625, 6-30-80)**

The proposed site is located in an area identified as containing Yaquina type soil as found on "Soils Map (Map C)", Florence Comprehensive Plan Appendix 7.

**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.**

- 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.**

- I. 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. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82) (Amended Ord. 10, Series 2009)**

The applicant proposes a project in an area with Yaquina soils and wetlands. Wetlands in the proposed area are not significant and have been identified as probable, but require further review and consideration from the applicant. A Phase I Site Investigation Report was required, and has been submitted for review by staff on September 2, 2015. Staff will review the findings and submit to Planning Commission a supplemental staff report prior to the Planning Commission meeting of September 9, 2015.

The application includes a drainage system plan prepared by a registered engineer. The stormwater plan is reviewed under the criteria in the Title 9, Chapter 5 Stormwater Management Requirements section of these findings. Further information is needed on the Stormwater Plans and deficiencies have been noted by the Public Works Director. Prior to application for final approval of PUD and subdivision, the applicant shall submit stormwater drainage system plans approved by the Public Works Director and meeting City of Florence standards and specifications. (Condition 3)

#### **10-7-5: 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. (Ord. 669, 5-17-82)

- B. Permit Fee:** A fee to offset the cost of time required to investigate and prepare Findings may be set by Council Resolution.

A Phase I Site Investigation report was required and submitted for this application. Please see staff review of FCC 10-7-3-I.

#### **10-7-6: REVIEW AND USE OF SITE INVESTIGATION REPORTS**

- A.** The Phase I Site Investigation Report shall be reviewed administratively. 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.

A Phase I Site Investigation report was required and submitted for this application. Please see staff review of FCC 10-7-3-I.

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#### **TITLE 10: CHAPTER 11: SINGLE-FAMILY RESIDENTIAL DISTRICT**

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##### **10-11-2: PERMITTED BUILDINGS AND USES:**

- A. Single-Family dwellings**  
**B. Planned Unit Development**

The applicant's property is zoned Single-Family Residential. The applicant proposes single-family dwelling building lots located within a Planned Unit Development.

The proposed development is permitted.

##### **10-11-4: LOT AND YARD PROVISIONS:**

- A. Minimum Lot Dimensions:** To be designated a building site, a lot must be at least fifty feet wide and at least eighty feet in depth (50' x 80'). For new subdivisions and newly platted lots, the minimum width shall be sixty-five feet (65').

The applicant has submitted a plan of "Proposed Subdivision Geometry," but not a Plat Map. In the "Proposed Subdivision Geometry" (Exhibit C), the applicant has provided some lot dimensions, but has not provided complete information for Lots 14, 28, and 25. The applicant shall provide complete dimensions for all lots within Fairway Estates. (Condition 4.1)

In addition, the dimensions provided for Lots 14, 18, 31, 33, 34, 35, and 36 are less than the minimum width allowed by City Code for newly platted lots. The lots which do not meet dimensioning requirements of City Code will be reviewed as part of staff review of FCC 10-23.

- B. Minimum Lot Area:** To be designated a building site, a lot must be comprised of at least six thousand (6,000) square feet. For new subdivisions and newly platted lots, the minimum square feet shall be six thousand five hundred (6500).

Using the information submitted by the applicant, the lots all appear to meet the minimum required area requirements of 6,500 square feet with the exception of Lot 31. The lots which do not meet dimensioning requirements of City Code will be reviewed as part of staff review of FCC 10-23.

- C. Lot Coverage:** The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

- D. Yard Regulations:** Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be indicated below:

1. **Front Yards:** No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20') in new subdivisions and twenty feet (20') in older, established neighborhoods.
2. **Side Yards:** A yard of not less than five feet (5') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
3. **Rear Yards:** Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set

**back not less than five feet (5') from the rear property line. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.**

The applicant has proposed that this Planned Unit Development, zoned Single Family Residential, will be comprised of single-family residential dwellings. The applicant has proposed that they will not develop the dwellings, themselves, but rather that the lots will be sold to individuals and developers to build on. Each dwelling shall meet the requirements of the Single Family Residential District with regard to maximum allowed lot coverage, described by FCC 10-11-4-C and yard regulations, described by FCC 10-11-4-D. (Condition 4.2)

**10-11-5: SITE DEVELOPMENT PROVISIONS:**

- A. Building or Structural Height Limitations:**
  - 1. Residential Buildings:** The maximum building or structural height shall be twenty-eight feet (28').
  - 2. Accessory Buildings:** The maximum building or structural height shall be fifteen feet (15').
- B. Fences:** See Code Section 10-34-5 of this Title.
- C. Vision Clearance:** Refer to Section 10-1-4 and 10-35-2-13 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.

FCC 10-11-5 deals with development which meets the greater requirements of the base district. Subsections A through I of FCC 10-11-5 shall be met by developments within the Fairway Estates Planned Unit Development and shall be reviewed at the time of submission of building permits application. (Condition 4.3)

**10-11-6: MOBILE HOME/ MANUFACTURED HOME DESIGN STANDARDS:**  
Design standards from Chapter 12 of this Title shall be applied to mobile home/ manufactured home subdivisions. (Ord. 625, 6-30- 80)

**10-11-7: MANUFACTURED HOMES WITHIN THE URBAN SERVICE AREA:**

- A.** When a manufactured home is placed outside of a manufactured home subdivision or mobile home park in a zone which allows single family dwellings, in addition to any other requirements that would be imposed were the structure constructed on site, the manufactured home shall comply with the following placement standards:
- 1. Size:** The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.
  - 2. Foundation:** The manufactured home shall be placed on an excavated and back-filled foundation and skirted in conformance with the requirements of the Building Codes Agency Manufactured Dwelling Administrative Rules in effect at the time of construction.
  - 3. Roof Pitch:** The manufactured home shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve feet (12') in width.
  - 4. Siding and Roofing Requirements:** The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community.
  - 5. Thermal Performance:** The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.
- B.** Nothing in this section shall allow a manufactured home to be placed on residential land immediately adjacent to a historic landmark or other property with a historic designation for tax or assessment purposes. (Ord. No. 7 Series 1994 - 6-7-94)

The applicant has not proposed that the PUD will be comprised of manufactured homes. The applicant has stated, however, that they also would be only offering the lots for sale. Manufactured homes which may be built within the PUD shall comply with Florence City Code minimum standards regarding manufactured homes. (Condition 4.4)

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

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**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.

The applicant has indicated that the platted lots will be available for sale to private owners and homebuilders to construct residences. Each residence will be required to provide off-street parking spaces in accordance with FCC 10-3-3 and 10-3-4.

**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.

Each residence shall be required to provide parking counting toward the minimum required number of parking spaces for single-family residences in garages or carports. (Condition 5.1)

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

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

**A. Residential and Commercial Dwelling Types:**

<b>Single Family Dwelling Including attached and detached dwellings and manufactured homes</b>	<b>2 spaces per dwelling unit on a single lot</b>
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The applicant has proposed single-family dwellings for each proposed lot, consistent with zoning for the Single Family Residential District. Each dwelling unit shall be required to provide at least two spaces of covered parking. (Condition 5.2)

**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 dwellings and duplexes shall be provided as 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.

The applicant has proposed single-family residences as part of a Planned Unit Development. The applicant shall ensure that each single-family dwelling provides covered parking spaces suitable in area and dimension for two vehicles. No encroachments (such as water heaters, steps, door swings, etc.) into the required parking spaces shall be allowed. (Condition 5.3)

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**TITLE 10: CHAPTER 23: PLANNED UNIT DEVELOPMENT**

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**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.

- 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 proposed Planned Unit Development meets the purpose of FCC 10-23, and encourages coordinated development of unplatted land, allows for the flexible application of zoning regulations, preserves the natural amenities of land and water, creates opportunities for a wide variety of life styles, provides for the efficient use of public services, and will result in a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development.

**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:

- B. For all other districts:**
  - a. All uses normal to the designated zoning district.**
  - b. Open Space and Parklands (Ord. No. 2, Series 2011)**
  - c. Commercial uses.**
  - d. Temporary use of vacant lots for RV use. (Ord 12, 1998)**

For this PUD, the applicant has proposed a combination of uses compatible with the underlying zoning district for which it was proposed. The applicant has proposed single-family residential dwellings, a permitted use in this zone, and open space

associated with those dwellings. Commercial and temporary RV uses have not been proposed. The proposal meets this criterion.

**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.**

Conformance with the general purpose and intent of the Comprehensive Plan will be appraised as part of staff review of the applicable chapters and sections of the Florence Realization 2020 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.**

The applicant has proposed a Planned Unit Development which will utilize the layout of the previously proposed Planned Unit Development in this location. Reusing this layout will reduce the impact on the surrounding lands and minimize vegetation removal. The applicant has also proposed four Open Space areas which will reduce the impact of the development on surrounding land uses and properties.

**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 applicant has submitted a Traffic Impact Analysis to determine the impact of traffic generated by the development and the capability of the surrounding streets (Rhododendron Drive) to accommodate this traffic safely without congestion on existing or planned streets. City Engineer-of-Record Matt Wadlington, P.E., Civil West Engineering Services, reviewed this TIA and his conclusions are attached as part of Exhibit G. The TIA submitted by Fred Wright, P.E. of Consulting Engineers, Inc. is attached as Exhibit F.

The TIA submitted discusses Phase I of Fairway Estates as well as Phase II and the separate-ownership parcel that has been known as Phase III. The previous approvals contained ten more homes than are currently anticipated, though split ownership of the Phases may require another look at vehicular improvements in the future.

The applicant will not be required to provide proportional funding for planned 35<sup>th</sup> Street/Rhododendron Drive vehicular improvements at this time, but as Phase II develops, further traffic impact review will be required to determine if infrastructure improvements are needed as traffic movement counts may be higher.

Other issues regarding traffic generation, access, and pedestrian improvements and access are reviewed as part of FCC 10-35: Access and Circulation.

- 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 has proposed a PUD in a location where utilities have already been installed in a manner consistent with the need. These services have been approved and the residents of Fairway Estates will be adequately served by the existing services.

Public Works Director Mike Miller did point out that two lots were added to Fairway Estates which is an increase in the number of lots that were previously planned for Sandpines West Shore Phase II. These additional lots are located on "Ironwood Circle" and will require the addition of two new water and sewer services to serve these new residences. The applicant should discuss these new utilities with the Public Works Director and finalize service prior to application for final PUD and final subdivision.

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

The proposed open space areas and layout, including the location, design, size, and use of the proposed PUD will result in an attractive, healthful, efficient, and stable environment. This criterion is met.

The design and size of the PUD is not overly large or of inefficient design. Phase I of Fairway Estates will not create a traffic congestion issue as pointed out by the City Engineer-of-Record. Other issues with the proposed development as discussed are not significant.

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

- A. Minimum Size: Five (5) acres of contiguous land is the minimum for a PUD, unless the Planning Commission finds that a particular parcel of land less than five (5) 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 applicant has proposed a PUD on parcels of contiguous land which total approximately 12 acres, meeting this criterion.

- B. Building Coverage: In a residential PUD, not more than fifty percent (50%) of the land area being developed, exclusive of public or private streets, shall be covered by buildings. When the PUD is not entirely residential, maximum building coverage shall be consistent with the**

**purpose and general criteria of this Chapter as determined by the Planning Commission.**

The Fairway Estates residential PUD has not been proposed to require more than that required by FCC 10-11: Single Family Residential. The requirements of the base zone shall apply: a maximum of 35% enclosed building coverage and 65% maximum impervious surface coverage. This method will allow the individual homebuilders and lot owners of Fairway Estates to easily and quickly know and reference what the site development and lot and yard provisions of their PUD are without need to consult sources other than Florence City Code Title 10, Chapter 11.

Staff finds that the one under-sized (by FCC standards) proposed lot, Lot 31, shall be able to utilize the maximum 50% enclosed building coverage allowance made for PUDs as part of FCC 10-23-5-B. Lot 31 shall have a maximum impervious surface coverage of 65%. (Condition 6.1)

- C. 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 applicant has not proposed that any other yard regulations will be needed other than those required by the base zoning district. The yard standards of the base zoning district shall apply.

- D. Maximum Building Height: Primary buildings shall not exceed the height limitations prescribed in the zoning district(s) in which the PUD is located. Accessory buildings shall not exceed the height limitations for primary buildings. (Ord 12, 1998)**

The applicant has not proposed that any other building height requirements will be needed. Maximum building height will not exceed that prescribed by the Single Family Residential zoning district.

- E. 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)**

Off-street parking has been addressed as part of staff review of FCC 10-3.

- F. 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.**

Because of the unique circumstance at this site where a previous approval has laid out much of the site design and many of the utilities are pre-existing, utilities are currently underground. Any additional utilities not already installed within the area of the proposed Planned Unit Development shall be placed underground by the developer prior to final PUD and final subdivision. (Condition 6.2)

**G. 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 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)**

The applicant has proposed a total of 88,922 square feet of open space, split among five separate areas along the western and southern edges of the PUD as well as within the proposed Ironwood Circle cul-de-sac. Using the estimated 12 acre figure (522,720 square feet) determined from RLID area estimation tools, the proposed open space represents only a total of 17% of the area of the development. The applicant shall provide the exact area of the proposed PUD prior to the approval of their current application for preliminary PUD and tentative subdivision. (Condition 6.3)

**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.**

The applicant has not provided information regarding the split between recreational and preserved natural features nor their area. The applicant shall provide the areas and content of proposed open space areas, as well as specifically the area of preserved vegetation prior to the application for final PUD and subdivision. (Condition 6.4)

**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 applicant has proposed to sell the created lots to those who would build homes on them, either to reside in or sell for profit. The applicant states in their narrative that their Proposed Development Plan is as follows:

*"The proposed development plan comprises owner-occupied single family residences on individually owned lots with collective common area ownership and infrastructure maintenance by a homeowners association."*

Likewise, Future Development is addressed as such: "We will extend our new interior roadways to abutting properties, offering access for future development and connectivity to existing neighborhoods."

The applicant has not provided a detailed development schedule other than to connect to adjacent developments which may at some point in the future be developed into Phase II of Fairway Estates and another development which is owned by a separate party (formerly Phase III of Sandpines West Shore). Open Space and public improvement plans shall be completed and submitted prior to application for final approval of PUD and final approval of subdivision. (Condition 6.5)

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.**

As stated above as part of Condition 6.4, any buildings, structures, or other improvements to open space areas must be provided. No bond will be required as part approval of tentative PUD and preliminary subdivision to assure that improvement of open space areas is 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 twenty-five (25) percent slope;**
  - 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 applicant shall provide a statement ensuring that the proposed areas of Open Space do not contain any of the listed conditions of FCC 10-23-5-G-4 as part of the required PUD recreation areas. (Condition 6.6)

**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.**

The applicant has proposed a network of private streets. Public utilities such as water and sewer will be located underneath these streets. Easements will be needed for public utilities and shall be recorded prior with final plat. Slope easements may be necessary for the Rhododendron Drive Multi-Use Path and will be required to be included with the final plat. The applicant shall consult with the Public Works Director to determine if these easements are necessary. (Condition 6.7)

Reservation easements shall be provided at the end of each street leading to Phase II of Fairway Estates and Phase III of unknown PUD. The reservation easement shall measure the width of the street and meet City of Florence standards. (Condition 6.8)

- 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.**

The applicant has proposed within their narrative that proposed transportation facilities and Open Space areas will be the responsibility of the Fairway Estates Homeowners Association. This is an acceptable responsible party for the maintenance, repair, insurance, and related obligations of the common open space, recreation facilities, parks, and playgrounds of the proposed PUD. This criterion is 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.

The application for Fairway Estates has been prepared by Fred Wright, Professional Engineer and Professional Land Surveyor. It is not known if other individuals with the required credentials have been involved in the planning process for Fairway Estates. The applicant shall submit this information with application for Final PUD and Subdivision. (Condition 6.9)

**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.

The applicant has attended a pre-application conference and has submitted a preliminary development review. The applicant will be required to submit materials for a final review prior to final development approval.

**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 has submitted a map illustrating proposed streets and lots. This criterion is met.

- 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.**

The applicant has not proposed any areas to be conveyed to public or semi-public uses. This criterion does not apply.

- 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.**

No buildings have been proposed with this preliminary PUD and tentative Subdivision. Lot owners will be responsible for building single-family residences on their lots as they see fit to develop them.

- 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.**

Because of the proposed method of development, no development schedule has been provided by the applicant. The approximate date of when construction is expected to begin, the stages of development, the rate of development, the approximate date of completion, nor information related to the development of common open space area has been provided. Condition 6.5 requires that the applicant provide finished Open Space areas prior to the application for final PUD and final subdivision.

- 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 has proposed that a homeowners association will be responsible for the maintenance and continued protection of the PUD and the common open space areas. The agreements, provisions, or covenants for the Fairway Estates Homeowners Association have not been provided. The applicant shall provide a copy of the agreements, provisions, or covenants for the Fairway Estates Homeowners Association prior to approval of final PUD and final subdivision. (Condition 6.10)

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 insure the safety of this circulation pattern shall be shown.**
  - c. **A landscaping and tree plan.**

The applicant has not provided specific information regarding parking or landscaping. The applicant has provided a Traffic Impact Analysis. No off-street parking information will be required as each single-family residence will be responsible for its own parking.

A landscaping and tree plan shall be provided to the Planning Department prior to application for approval of final PUD and final subdivision. (Condition 6.11)

**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.**

**10-23-13: GUARANTEE OF PERFORMANCE: For public improvements, the City may require that a cash deposit, surety bond or other similar guarantee be posted to insure the full and faithful performance by the parties involved, not to exceed a period of two years after required improvements are completed.**

Any private or public improvements to include utilities, open space, or similar improvements not completed prior to application for final PUD and subdivision shall require a cash deposit, surety bond, or other similar guarantee reviewed and approved by the Public Works Director in order to insure the full and faithful

performance by the parties involved not to exceed a period of two years after required improvements are completed. (Condition 6.12)

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**TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION**

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**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 has proposed that Fairway Estates will serve vehicular circulation within the PUD through privately-owned and maintained streets. The streets, though privately-owned, are required to meet the standards of the City of Florence. Additionally, access approval is required for the development. Access Plans to Rhododendron Drive shall be submitted with application for final PUD and final subdivision approval. Construction permits will be required for all work within the public right-of-way along Rhododendron Drive. (Condition 7.1)

**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-D, 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.**

**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.**

The applicant has submitted a Traffic Impact Analysis which addressed the requirements of the above criteria. Review of this TIA was conducted by Civil West Engineering, who found that no additional mitigation for the increased traffic level was needed at this time.

**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.**

Due to the proposed (previously proposed and unchanged) access through the property to the southwest of the development owned by the Sandpines West Master Association/Lot Owners Association, crossover and reciprocal access easement agreements will be required. A reciprocal access agreement with Sandpines West Master Association/Lot Owners Association is required prior to application for final PUD and final subdivision. (Condition 7.2)

A reciprocal access easement will be required and granted for the separately owned PUD to the east of Fairway Estates at which time that area (formerly Sandpines West Shore Phase III or Sandpines Master Plan Phase C3) is developed. (Condition 7.3)

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.**

Prior to approval for preliminary PUD and tentative subdivision, the applicant shall provide greater detail regarding planned access onto Rhododendron Drive. The applicant shall submit information regarding the width of private right-of-ways, street improvements, layout and detail of lanes, curbs, and of entrance gate area,

information regarding intersection with Royal St. Georges Drive, typicals demonstrating that City-approved standards for ADA accessibility will be met, as well as a plan illustrating connections to the Rhododendron Drive Multi-Use Path. (Condition 7.4)

**3. Right-of-way dedications for future improvements.**

The applicant has not proposed any right-of-way dedications. This criterion does not apply.

**4. Street improvements.**

As specified as part of Condition 7.4, the applicant shall submit plans illustrating planned street improvements prior to approval of preliminary PUD and tentative subdivision.

**5. Turn restrictions such as “right in right out”.**

No turn restrictions were suggested by either the TIA submitted by the applicant or review of the TIA by Civil West Engineering. No turn restrictions will be required.

**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.

Conditions of approval regarding vehicular access have been or will be named as part of staff review of FCC 10-35.

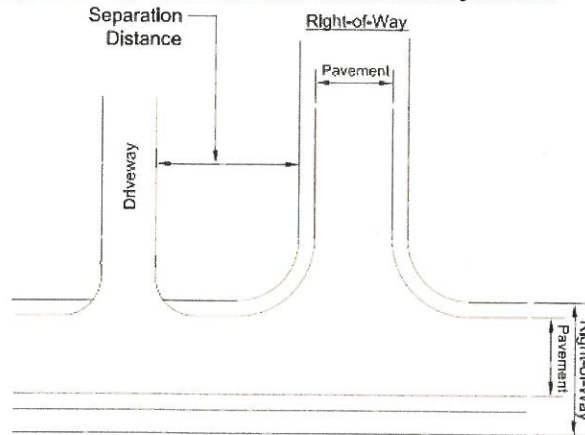
**10-35-2-7: Intersection Separation; Backing onto Public Streets:** New and modified accesses shall conform to the following standards:

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

**Separation Distance from Driveway to Pavement:**

Alley	15 feet
Local Street	25 feet
Collector Street	30 feet
Arterial Street	50 feet

**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.**

Since no specific development has been proposed by the applicant, driveways constructed following approval of final PUD and final subdivision shall meet the requirements of FCC 10-37-2-7. (Condition 7.5)

**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.

No other access is available from the location of Fairway Estates. Access was previously approved for Sandpines West Shore and operation and safety of the Minor Arterial-classified Rhododendron Drive will not be affected by granting access to Fairway Estates.

**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.

The proposal provides appropriate site circulation for Phase I of Fairway Estates. Pedestrian and bicycle connections on-site have not been identified by the applicant. The applicant shall provide information regarding pedestrian and bicycle connections and amenities prior to approval of preliminary PUD and tentative subdivision. (Condition 7.6)

**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:

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

**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 is required for the proposed PUD as the access to Rhododendron Drive will be obtained through property owned by the homeowners association of Sandpines West. Access from "Tournament Road" onto Royal St. Georges Drive will not be required, but is encouraged in order to provide convenient access between developments for bicyclists and pedestrians. Vehicular access is also encouraged between the developments to allow convenient site circulation from Royal St. Georges Drive onto Rhododendron and quick emergency access into both developments. The parties are encouraged to negotiate and decide upon the

access question. The applicant shall submit information regarding the Rhododendron Drive access per Condition 7.4.

The applicant and subsequently the Fairway Estates Homeowners Association shall provide similar joint and cross access to the planned Phase II of Fairway Estates and Phase III held under separate ownership. (Condition 7.7)

**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.

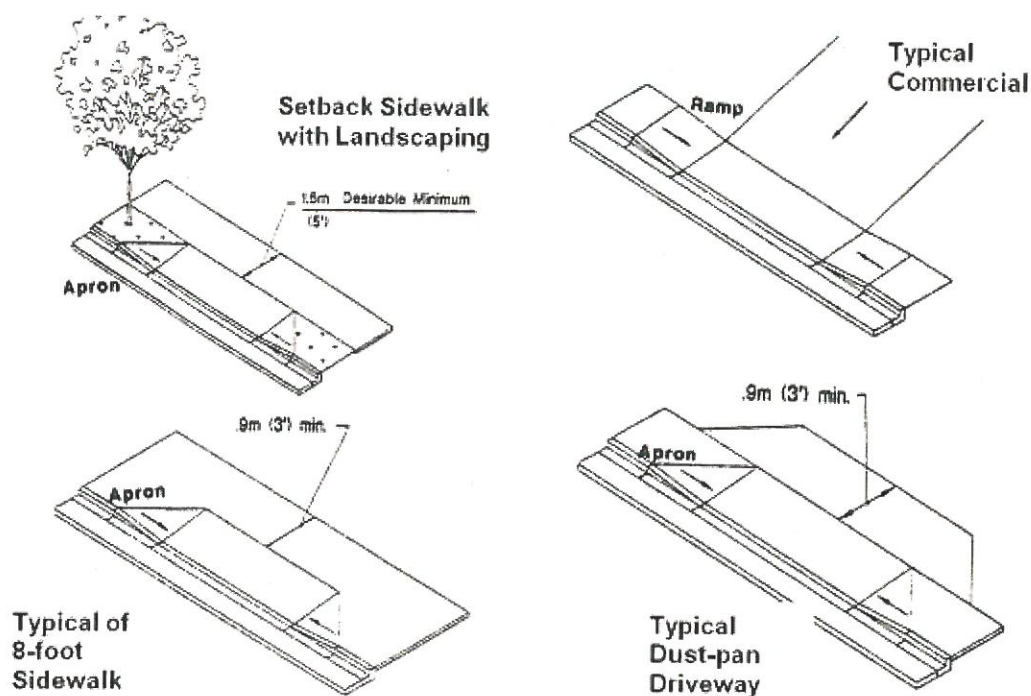
The applicant has proposed that "Tournament Road" will lead to a gate facilities located on a neighboring property. Also nearby these facilities is the terminus of Royal St. Georges Drive. The applicant shall obtain a joint and cross access easement for use and maintenance of the gate and driveway located off of the Fairway Estates property.

**10-35-2-12: Driveway Design:** All openings onto a public right-of-way and driveways shall conform to the following: A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.

- B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:
  - 1. Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet.
  - 2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.

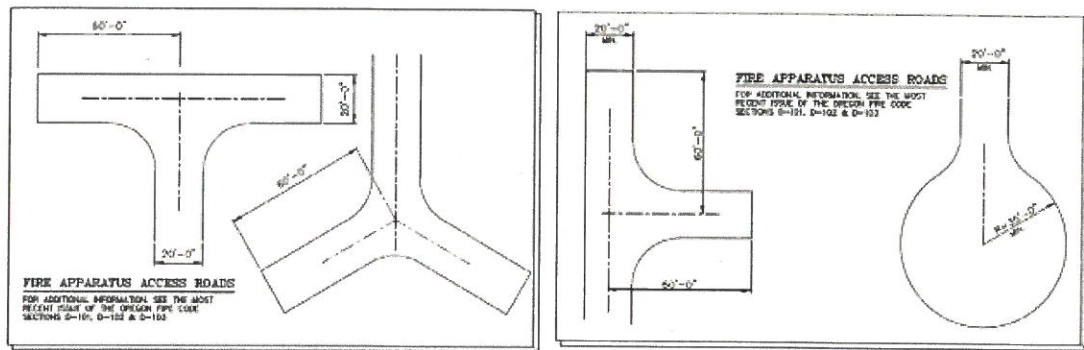
3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.
  4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).
  5. The maximum allowable driveway grade is fifteen (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.
- C. **Driveway Apron Construction.** 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**



- 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 turnarounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.

Figure 10-35(3): Examples of Fire Lane Turn-Around



The applicant has not submitted dimensional information to scale regarding the entrance to Fairway Estates. The applicant has also not indicated that roads leading away from Phase I of Fairway Estates (such as the north end of "Blue Heron Way" or "Deer Haven Lane" or the east end of "Tournament Road") will have an adequate fire turn-around. This item will be addressed as part of staff review of FCC 10-36.

Driveways within Fairway Estates and the main entrance shall comply with the minimum standards of FCC 10-35-2-12. (Condition 7.8)

**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.

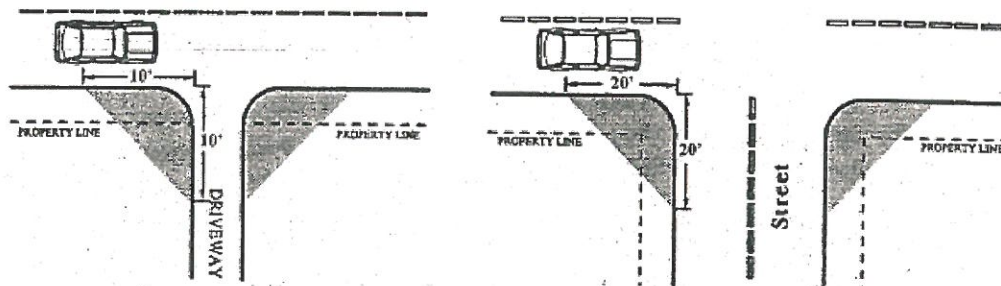
The existing layout of Fairway Estates provides an adequate vertical clearance for driveways, private streets, aisles, turn-around areas, and ramps. This criterion is met.

**10-35-2-14: Vision Clearance:** No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 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 10-1-4 of this Title for definition.

**Figure 10-35(4): Vision Clearance Areas**  
(solid lines indicate curbs or edge of pavement)



The applicant shall design the gated entrance driveway onto Rhododendron Drive to meet the vision clearance requirements of Florence City Code 10-35-2-14. Future driveways within Fairway Estates shall also meet the vision clearance requirements. (Condition 7.9)

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

The applicant shall provide sidewalks for the PUD entrance and all common and Open Space areas prior to approval for final PUD and final subdivision. (Condition 7.10)

Fairway Estates interior sidewalks (those adjacent lots) shall be constructed as those lots receive building permits for single-family residences. (Condition 7.11)

- B. Exceptions:** The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a nonremonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:
1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.
  2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.
  3. Topography or contours make the construction of a sidewalk impractical.
  4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.
  5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.
- C. Appeals:** If the owner, builder or contractor considers any of the requirements impractical for any reason, s/he may appeal the decision to the Planning Commission.
- D. Timing:** Sidewalks shall be constructed and approved by the Public Works Department prior to final inspection for the associated building permit. No certificate of occupancy may be issued until the required sidewalks are constructed or financially secured.

The exceptions listed are not anticipated for the PUD. Should the issues listed in FCC 10-35-3-1-D prevent construction of sidewalks within or adjacent to the Fairway Estates PUD, the applicant or homeowner shall consult with the Public Works Director. (Condition 7.12)

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

- A. Continuous Walkway System.** The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned offsite 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.

The applicant has indicated in their Narrative that in addition to sidewalks, they intend to provide trails leading throughout their preserved Open Space areas.

The applicant shall submit a site layout and design demonstrating a continuous walkway system prior to approval for preliminary PUD and tentative subdivision. (Condition 7.13)

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

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

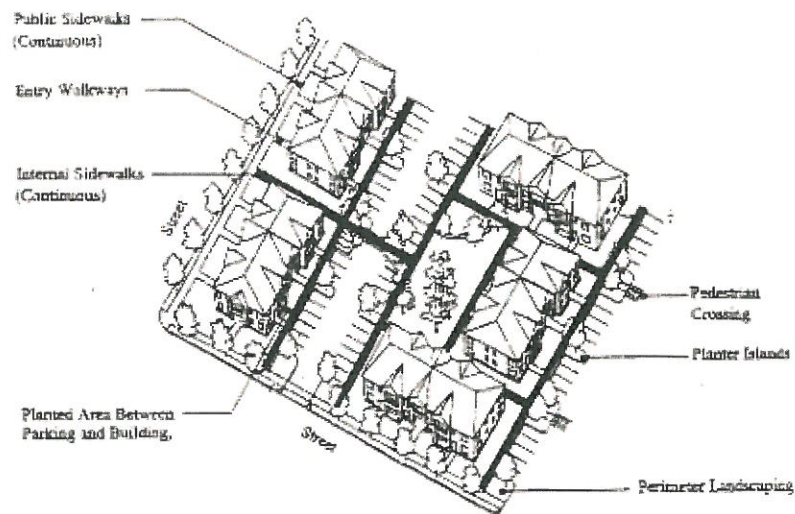
The applicant shall provide for walkways which are safe, reasonably direct, and convenient. Each residence built within Fairway Estates shall be required to have an entry walkway leading to the front door. (Condition 7.14)

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

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

**Figure 10-35(5): Pedestrian Pathway System (Typical)**



The applicant shall be responsible for the construction and maintenance internal sidewalks and entry walkways provided as shown to the greatest extent practicable. (Condition 7.15)

**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. **Vehicle/Walkway Separation.** 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.
- B. **Pedestrian Crossing.** 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 thermoplastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.

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

Private pedestrian walkways within Fairway Estates leading to Open Space areas shall meet the requirements for pedestrian access and circulation contained within FCC 10-35. (Condition 7.16)

The applicant will be financially proportionally-responsible for providing a segment of the Rhododendron Drive Multi-Use Path. More criteria involving this portion of the Rhododendron Drive Multi-Use Path project will be reviewed as part of FCC 10-36.

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## **TITLE 10: CHAPTER 36: PUBLIC FACILITIES**

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### **10-36-1: PURPOSE AND APPLICABILITY:**

- A. Purpose.** The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. [...]

### **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 applicant has proposed the creation of 40 residential lots within Fairway Estates. According to information provided by the applicant, each of these lots will have street frontage. The applicant shall submit, prior to approval of final PUD and final subdivision, a plat map designating the front lot line of each residential lot 1 through 40. (Condition 8.1)

- 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.**

No additional improvements will be required at this time. Please see discussion regarding the Traffic Impact Analysis on page 16.

- 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.**

The applicant shall provide information regarding proposed streets, width, and improvements to the Public Works Director. (Condition 8.2)

**10-36-2-2: Improvement Guarantee: The City may accept a future improvement guarantee (e.g., nonremonstrance 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.**

None of the conditions listed has been thus far identified. The applicant should consult with the Public Works Director if issues in arise in street improvements.

**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.**

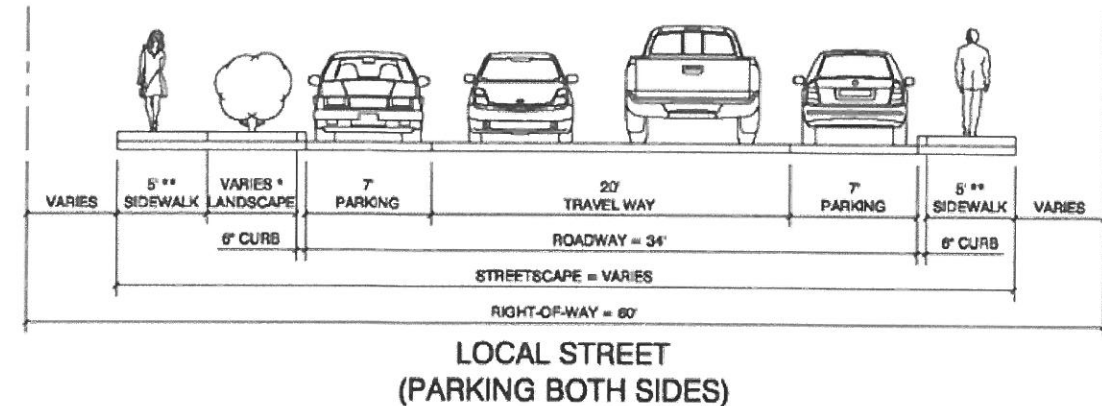
The applicant has indicated that the streets created through the subdivision and PUD process will be private streets. No rights-of-way will be created through this process.

**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.

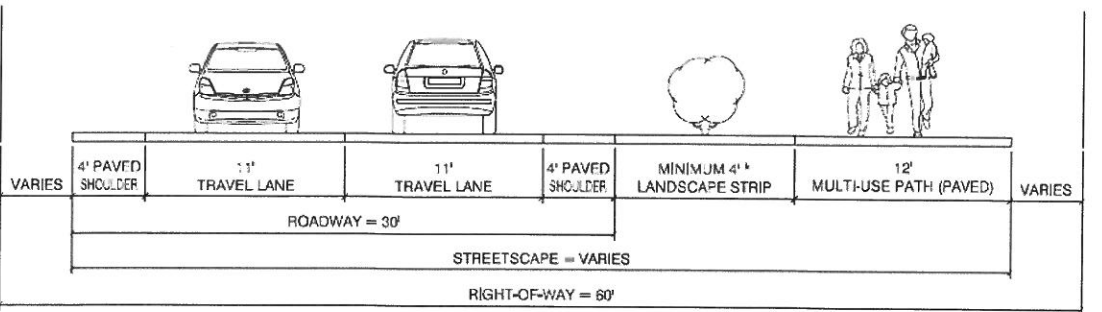
For access and maintenance of public utilities which will be located under private streets within Fairway Estates, the applicant shall record access easements created and maintained in accordance with Oregon Fire Code and City of Florence Standards and Specifications. (Condition 8.3)

**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).



\* OPTIONAL LANDSCAPE WIDTH AND LOCATION MAY VARY AND IS 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.



The applicant has not provided a proposed street section for the Fairway Estates interior streets. The applicant shall develop the interior streets of Fairway Estates Phase I in accordance with the specifications for Local Streets with space provided for on-street parking on both sides of the travel way and a minimum five-foot wide sidewalk on both sides of the street. (Condition 8.4)

The applicant is also responsible for providing a proportion of costs for development from the northernmost end of the Fairway Estates development and driveway adjacent to Rhododendron Drive to the intersection of 35<sup>th</sup> Street and Rhododendron Drive. As the proposed development will represent 49% of the housing units between the northern end of their development and 35<sup>th</sup> Street, the applicant is responsible for 49% of the costs of the Multi-Use Path between these areas.

The applicant shall provide, either through additional Systems Development Charges for lots within Fairway Estates or as an estimated charge following approval of the Fairway Estates PUD and subdivision, 49% of funding required for the extension of the Rhododendron Drive Multi-Use Path between the northernmost end of the Fairway Estates development and driveway adjacent to Rhododendron Drive and the intersection of 35<sup>th</sup> Street and Rhododendron Drive. (Condition 8.5)

**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**

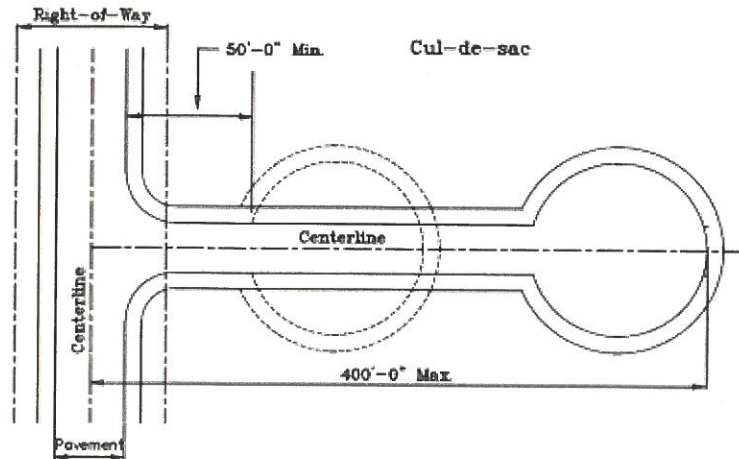
12. Access needs for emergency vehicles
  13. Transition between different street widths (i.e., existing streets and new streets)
  14. Driveway Off-sets
  15. Curve Radii
  16. Queuing Factors
- C. Partial street improvements may be accepted only in the case of a collector or arterial street and only 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.

The applicant has not yet identified any of the above factors as affecting the Fairway Estates project. The applicant should contact the Public Works Director to discuss the need to modify identified street standards for the project.

**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:

- A. The cul-de-sac shall not exceed a length of 400 feet and the minimum throat length shall be 50 feet; the length of the cul-de-sac shall be measured where the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac pavement. The minimum right-of-way for a cul-de-sac may be reduced to 50 feet if approved by the City.
- B. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Oregon Fire Code. Circular turnarounds shall have a radius of no less than 35 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement), subject to approval by the Public Works Director; except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane minimum of twenty (20) feet in width.

**Figure 10-36(1): Cul-de-sac Design**



Materials submitted by the applicant do not state the throat length of the “Ironwood Circle” cul-de-sac nor the radius or lane width of the landscaped island or circular turnaround. The applicant shall submit this information prior to approval of preliminary PUD and tentative subdivision. (Condition 8.6)

**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 applicant shall provide private streets with sidewalks and pathways which conform to City standards of construction. The applicant shall submit legal assurance for the construction and maintenance of the private streets, sidewalks, and pathways of Fairway Estates. (Condition 8.7)

**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.

The proposed streets are laid out in the most convenient possible arrangement and facilitate emergency access and evacuation as much as possible due to the location of the site.

**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.

The applicant shall provide, at the discretion of the Fire Marshal, a temporary turnaround meeting Oregon Fire Code for all street stubs over 150 feet in length (at the north end of "Deer Haven Lane" and east end of "Tournament Road"). The applicant shall also install a Type III barricade at the end of each street stub (outside of the turnaround area) which shall not be removed until authorized by the City. (Condition 8.8)

**C. Mid-Block Connection/Multi-use Path Standards.** 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

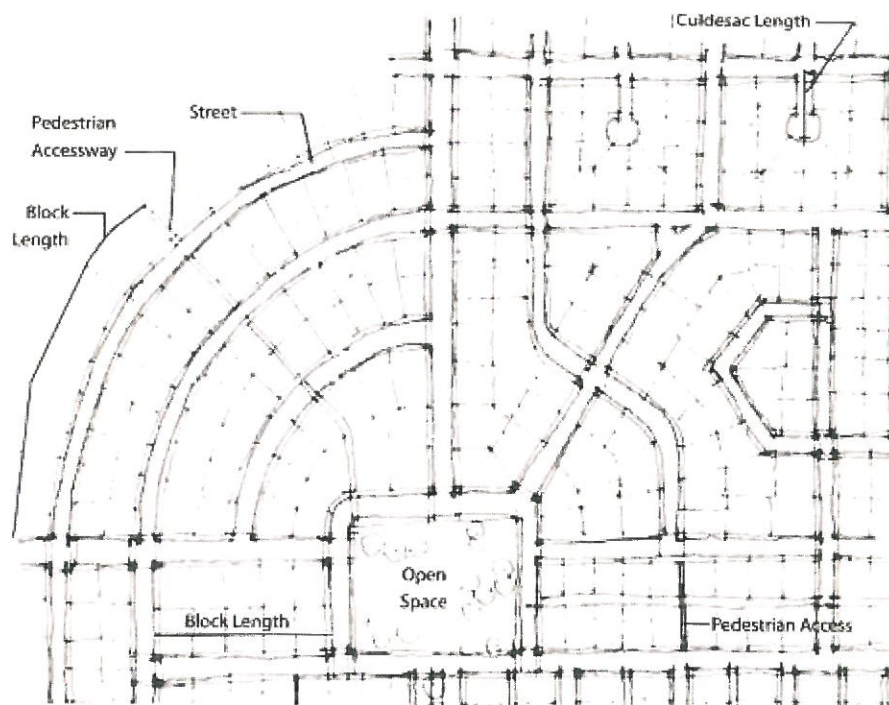
adjacent vehicles, or to screen pathways from view of adjacent residences.

The applicant has proposed paths within Fairway Estates leading to Open Space areas and providing mid-block connections. These connections do not meet the requirements of FCC 10-36-2-9-C, but are acceptable due to the existing layout of the PUD.

**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

**Figure 10-36(2): Street Connectivity and Formation of Blocks**



Utilities are already existing in Fairway Estates. Because of this, requiring the applicant to provide blocks which meet code for width would require the reinstallation of utilities, creating a hardship to the applicant. The block length which does not meet code requirements also is adjacent to the Sandpines Golf Course and thru access would not be desirable.

**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.**
- 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.**

No traffic signals have been identified in the Transportation System Plan (2012) for the Rhododendron Drive/35<sup>th</sup> Street intersection. In consultation with the City Engineer-of-Record, the proposed PUD will not require improvements at this intersection, but future phases may. The proposal meets these criteria.

**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.**

As discussed previously, planned improvements for the Rhododendron Drive/35<sup>th</sup> Street intersection include the addition of left-hand turn lanes. The proposed PUD does not constitute an increase in traffic which would currently require these improvements to be provided.

**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 nearest intersection to the proposed entrance to Fairway Estates is Coast Guard Road to the south. Coast Guard Road serves as the entrance to Sea Watch Estates. This intersection is approximately 280 feet from the entrance to Fairway Estates and on the opposite side of Rhododendron Drive. 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.**

Proposed Fairway Estates private local streets do not have intersections where more than two proposed streets would intersect. In addition, intersections within Fairway Estates are spaced at least 125 feet away from each other. The proposed intersections meet this criterion.

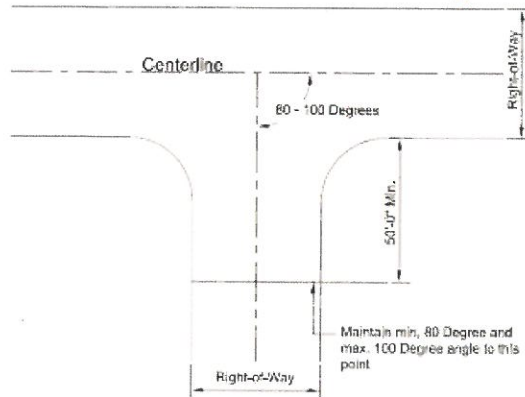
- C. Corner curb return radii shall be at least thirty-five (35) feet on Arterial Streets and at least twenty (20) feet on other streets, except where smaller radii are approved by the Public Works Director. Larger Radii may be required by the Director to accommodate emergency and freight vehicles.**

Corner curb return design information has not been provided by the applicant, but is required as part of Condition 7.4.

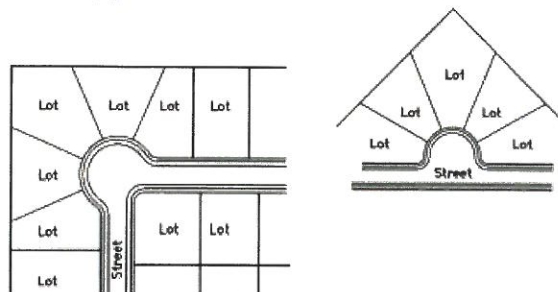
**10-36-2-14: Intersection Angles: Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case shall the centerline angle be less than 80°; elbow or knuckle corners are not allowed (see Figures 10-36(3) 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.**

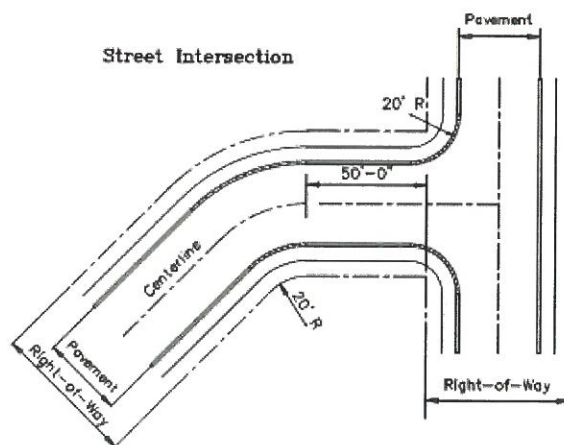
**Figure 10-36(3): Street Intersection Angle**



**Figure 10-36(4): Elbow and Knuckle Corners are Prohibited**



**Figure 10-36(5): Street Intersection**

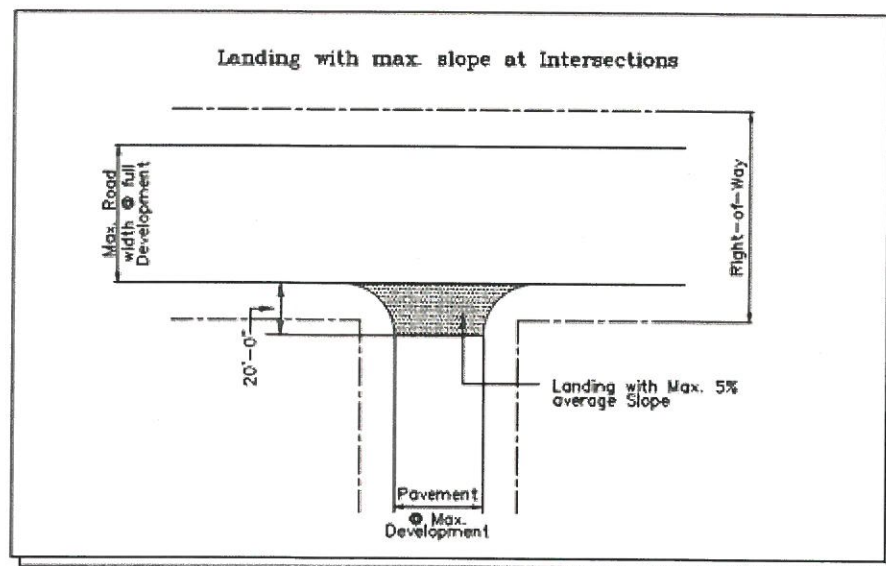


**10-36-2-15: Grades and Curves:** Unless otherwise approved by the City due to topographical conditions, grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on all other streets. Grades in excess of 10% require Fire Code Official approval.

- 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**



The applicant has proposed five intersections within Fairway Estates. The intersection with Rhododendron Drive is a sixth intersection. One of these intersections, "Ironwood Circle" and "Tournament Road" clearly meets these criteria. It is unclear if the four other proposed intersections meet these criteria. The applicant has not provided right-of-way lines, corner and centerline radii, angles, or measurements on the submitted plans illustrating that a minimum 50-foot straight centerline has been provided past the intersection. No Elbow or Knuckle Corners are proposed.

The Public Works Director has the ability to approve street layouts which do not meet Florence City Code. Further information is required of the applicant. Since the street system of Fairway Estates was established by the previous PUD applicants at this location. The applicant shall provide intersection information such as corner radii, intersection angles, grades, and centerline measurements prior to approval of preliminary PUD and tentative subdivision. (Condition 8.9)

**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.**

The applicant has not indicated where sidewalks will be located as lots within Fairway Estates are developed. The applicant shall specify and make clear where sidewalks will be located, either adjacent to the street or at the property line for future residents of Fairway Estates by including the item in the PUD CC&Rs. Sidewalks to be completed in common areas shall be provided on plans submitted prior to application for approval for final PUD and final subdivision. (Condition 8.10)

- 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).**

The applicant will not be responsible for bicycle lanes along Rhododendron Drive as road surface is existing and no changes to Rhododendron Drive and its intersection with 35<sup>th</sup> Street will be required at this time. The applicant will be responsible for providing a portion of the Rhododendron Drive Multi-Use Path.

- E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.**

It is unknown if any trees are standing within the street right-of-ways within Fairway Estates. If existing trees are otherwise standing where a sidewalk would be placed, the applicant may provide a meandering sidewalk that meets ADA requirements.

- F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.**

Maintenance of sidewalks and planter strips will be the responsibility of the adjacent property owner or the Fairway Estates Homeowners Association.

**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.**

This has not been identified as an issue along Rhododendron Drive at this time.

**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.**

The applicant has not provided information regarding their curbs, curb cuts, ramps, and driveway approaches. This information will be required prior to final approval of PUD and subdivision.

**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 has been informed that two of their selected street names, "Blue Heron Way" and "Ironwood Circle" may not be approvable. "Blue Heron Way" is already used elsewhere in Lane County. "Ironwood" is used elsewhere in other forms such as Loop and Street. It is likely that these names would not be approved by the Lane County Road Naming Committee. The applicant is currently working towards determining new and appropriate names for their proposed PUD with staff. This information will be required prior to approval of final PUD and final subdivision.

**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.**

The applicant has not provided monumentation or street sign information at this time. Monumentation and street signage shall be required upon completion of street and other improvements within Fairway Estates. (Condition 8.11)

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

The USPS was notified of this development. The applicant shall coordinate with the Florence Postmaster to determine the best location and regulations for mail boxes within Fairway Estates or the entrance area. (Condition 8.12)

**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 shall provide information regarding street lights which may already be installed prior to submission of an application for final PUD and final subdivision. (Condition 8.13)

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

- A. Sewers, Water, and Stormwater Mains Required:** Sanitary sewers, water mains, and stormwater drainage shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan, Florence Code Title 9 Chapters 2, 3 and 5, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision; stormwater, sewer and water system improvements shall also be stubbed to the edge of the subdivision for future development.
- B. Sewer, Water, and Stormwater Plan Approval:** Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.
- C. Existing Watercourse:** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as

will be adequate for conveyance and maintenance to protect the public health and safety and consistency with the Stormwater Manual.

- D. **Over-Sizing:** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements.
- E. **Fire Protection:** All new development shall conform to the applicable provisions of the Oregon Fire Code. Developers shall provide verification of existing and proposed water service mains and hydrant flow supporting the development site. Fire flow analyses and plans for hydrants and water service mains shall be subject to review and approval by the Building Official or Fire Marshal.
- F. **Inadequate Facilities:** Development permits may be restricted by the City where a deficiency exists in the existing water, sewer or stormwater system that cannot be rectified by the development and that if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

The Public Works Director has submitted referral comments regarding submitted plans. Plans regarding public improvements, lighting, stormwater, open space, and any other like plan shall be submitted to the Planning Department and Public Works for review and approval prior to installation or site disturbance and prior to application for final PUD and final subdivision. (Condition 8.14)

**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 has not yet submitted an application for an NPDES permit from DEQ. The applicant shall submit an application for an NPDES permit and obtain approval prior to application for final PUD and final subdivision. (Condition 8.15)

**10-36-5: UTILITIES:**

**A. Underground Utilities:**

- 1. **Generally.** All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed

underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

**2. Subdivisions. In order to facilitate underground placement of utilities:**

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

**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.**

Utilities have already been installed and are provided for Fairway Estates with the exception of utilities for the two additional lots on "Ironwood Circle." Utilities are underground throughout and meet the requirements of FCC 10-36-5.

**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.

**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.

**10-36-8: INSTALLATION:**

- A. **Conformance Required:** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. **Adopted Installation Standards:** The Standard Specifications for Public Works Construction, Oregon Chapter APWA, are hereby incorporated by reference; other standards may also be required upon recommendation of the Public Works Director.
- C. **Commencement:** Work shall not begin until the City has been notified in advance in writing.
- D. **Resumption:** If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.
- E. **City Inspection:** Improvements shall be constructed under the inspection and to the satisfaction of the City Public Works Department. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to City review. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements; 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 reestablished and protected.

- F. Engineer's Certification and As-Built Plans:** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" plans along with an electronic copy, in conformance with the City Engineer's specifications, for permanent filing with the City.
- G. Acceptance of Public Improvements:** Public improvements shall only be accepted by the City after the "as-built" plans and actual improvements are approved, and all easements are recorded. Upon acceptance of public improvements, the City will accept ownership and maintenance responsibility.
- H. Warranty of Public Facilities:** All public improvements shall be warranted against defects in materials and workmanship for a period of one year following acceptance of the improvements by the City. Once accepted, a minimum one (1) year warranty agreement on materials and workmanship shall be initiated between the City of Florence and the developer. A warranty bond or other financial security acceptable to the City in the amount of 12 percent of the original public improvement construction cost shall be maintained throughout the warranty period.

Easements and construction plans shall be approved by the Planning Director and Public Works Director prior to site disturbance or installation. (Condition 8.16)

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#### **TITLE 10: CHAPTER 37: LIGHTING**

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**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.

The applicant has proposed a resumption of the planning process for the Fairway Estates PUD. The property, formerly Sandpines West Shore Phase I, was abandoned shortly after the housing crisis and was sold to the current property

owner. Final approval was never granted for the PUD and subdivision, so lighting will need to come into code compliance.

**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 applicant may need to retrofit existing lighting on the site in order to bring these fixtures into compliance. The applicant shall submit a plan demonstrating the location of lighting fixtures, 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 prior to application for approval of final PUD and subdivision. (Condition 9.1)

**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.
- 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.

It is currently unknown what type or height of lighting has been installed within Fairway Estates. The applicant shall provide this information as part of Condition 9.1.

- 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.

The applicant has not provided information regarding landscaping or lighting that may be added as part of that landscaping. The applicant shall submit landscape lighting information prior to final approval of PUD and subdivision which demonstrates that those lights will be extinguished after hours. (Condition 9.2)

- 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.**

The applicant shall be subject to a 30-day review period following the approval of final PUD and subdivision or following the operation of the lighting system to ensure that the lighting system does not need adjustment. The applicant shall inform staff when the lighting system becomes operational. (Condition 9.3)

- 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 applicant has not provided any information regarding their entrance or roadway signage, but any lighting for signage with Fairway Estates or at the entrance or in common areas shall meet the standards of FCC 10-37. (Condition 9.4)

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## **TITLE 11: CHAPTER 1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS**

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### **11-1-2: APPROVAL OF LAND DIVISIONS:**

- 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 major subdivisions or major partitions 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 major subdivision or major partition 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.**

The applicant has not proposed to dispose of, transfer, sell, advertise, agree, or negotiate to sell any lot in the subdivision prior to approval. These criteria are met.

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## **TITLE 11: CHAPTER 3: MAJOR PARTITION, TENTATIVE PLAN PROCEDURE**

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**11-3-1: APPLICATION:** An application for tentative plan approval shall be made by the person proposing the subdivision or major partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with a tracing and ten (10) copies of a subdivision tentative plan or five (5) copies for a major partition tentative plan, as the case may be. (Amd. Ord 30, Series 1990).

#### **11-3-2: TENTATIVE PLAN REQUIREMENTS:**

- A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.**
- B. Drafting: The tentative plan shall show all pertinent information to scale. The drawing shall be on standard size sheets eighteen inches by twenty four inches (18" x 24"), and at scale of one inch equal to one hundred feet (1" = 100'). The scale may be increased or decreased if necessary, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (10) of any one of these scales. Tentative plans for major partitions and 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.**
- C. 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.**
  - 2. The date, north point and scale of the drawing; a sufficient description to define the location and boundaries of the proposed subdivision or major partition area; and the names of all recorded subdivisions contiguous to such area.**
  - 3. The names and addresses of the owner and engineer or surveyor.**
  - 4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.**
  - 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 and major partitions 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.**
  - 6. Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.**

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%
8. The approximate grades and radii of curves of proposed streets.
9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.
10. The approximate radii of all curves
11. The general design of the proposed subdivision or major partition including the approximate dimensions of all proposed lots and parcels.
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. 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.
14. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public water supply.
15. All proposals for sewage disposal, flood control and easements or deeds for drainage facility including profiles of proposed drainage ways.
16. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.
17. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.
18. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
19. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision or major partition is a part, provided that where the proposal

**comprises all of such area, an affidavit of such fact shall accompany the tentative plan.**

The applicant and their representative, Fred Wright, P.E., has submitted tentative plan information for Fairway Estates. The tentative plan information provided does not include all of the information required and the applicant has been informed. The applicant shall provide a tentative plan which provides all of the information listed in FCC 11-3-2-C. (Condition 10)

**11-3-4: APPROVAL OF TENTATIVE MAJOR PARTITION OR SUBDIVISION:** After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Commission or its designee shall grant approval or deny the major partition tentative plan. The hearing decision and further consideration of a similar application shall be governed by paragraphs 10-1-1-5-D and E 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. The Planning Commission may require its designee to submit any tentative approval to the Commission for review prior to notification of the applicant. In the event of a denial, the application be reviewed by the Planning Commission within forty five (45) days. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord 30, Series 1990).

- A. The approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.
- B. The tentative plan 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.

The proposed tentative subdivision will be reviewed at a public hearing on September 9, 2015. The approval of the subdivision will not likely impede the future best use of the property. The tentative plan, with the conditions of approval as listed, can comply with the requirements of this Title, Oregon Revised Statutes, the Florence Zoning Ordinance, and the Florence Comprehensive Plan and Policies.

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## **TITLE 11: CHAPTER 5: PLATTING AND MAPPING STANDARDS**

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### **11-5-1: STREETS:**

- A. All streets shall comply with applicable development standards of Title 10 Chapter 36, Street Standards.
- B. Slope Easements: Slope easements shall be dedicated in accordance with specifications adopted by the City Council under Section 11-6-1 of this Title.

- C. Reserve Strips:** The Planning Commission may require the applicant to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission determines that a strip is necessary:
- 1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or**
  - 2. To prevent access to the side of a street on the side where additional width is required to meet the right of way standards provided in the table under subsection B2 above; or**
  - 3. To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself; or**
  - 4. To prevent access to land unsuitable for building development.**

Reserve strips have been required of the applicant in order to facilitate movement between Phase I of Fairway Estates, Phase II of Fairway Estates, and the separately-owned Phase III.

#### **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.
- 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 standard six thousand five hundred (6,500) or nine thousand (9,000) square foot lots.
- 3. Frontage:** Each lot shall have frontage of not less than fifty feet (50') upon a street, except that a lot 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.

**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.

The applicant has proposed a Planned Unit Development with several lots which do not meet the minimum lot size or frontage. Planned Unit Developments are granted exception from these standards and may be approved of any size or configuration as approved by the Planning Commission.

**11-5-3: PUBLIC FACILITIES:** All utilities shall comply with applicable development standards of Title 10 Chapter 36 and Title 9.

The application has been reviewed against the criteria contained within FCC 10-36 and FCC Title 9.

**11-5-4: PARTIAL DEVELOPMENT:** Where the subdivision or partition includes only part of the tract owned by the applicant, the Planning Commission may require a sketch of a tentative layout of streets in the remainder of said ownership.

Layout of the streets in adjacent developments will likely follow the course of streets previously laid out as part of Sandpines West Shore. The Planning Commission may require more information regarding these layouts, but one property is currently under different ownership than this proposed development.

**11-5-5: 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 major partition and 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.

Staff has informed the applicant that a Phase I Site Investigation Report is required, and a Phase I SIR has been submitted. Staff will review the Site Investigation Report prior to approval for preliminary PUD and tentative subdivision.

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## **TITLE 11: CHAPTER 7: MODIFICATIONS, SUBDIVISION REGULATIONS**

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### **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 modified 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 and 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 public 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 provided affirmative findings can be made for the criteria in paragraph B of this section and provided the tentative plans are also approved.

The applicant has not submitted an application for modification and has instead applied for tentative subdivision and preliminary PUD separate of those previously approved.

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## **FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**

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### **CHAPTER 2: LAND USE**

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**POLICY 7.** The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.

As utilities for the subdivision have already been installed, the additional usage has been calculated and found to be within the capacity of the sewer and water systems.

#### **RESIDENTIAL**

**POLICY 1.** The City shall encourage the use of residential planned unit development subdivisions and may trade off some conventional zoning requirements and density limitations in order to achieve:

- high quality, innovative residential lot and building design,
- incorporation of unique land forms into the final subdivision design,
- significant open space,

- on-site amenities reflecting the value for both active and passive recreational facilities,
- natural resource protection, where identified as part of a preliminary site investigation report,
- a mix of dwelling unit types and densities, and a mix of residential, commercial, and recreational uses, where appropriate.

The applicant has proposed a 40-dwelling PUD largely meeting the requirements of zoning code, but with significant open space areas. The application also proposes to make use of a previously approved and abandoned subdivision, maximizing the use of land within the UGB designated for residential uses.

**POLICY 4. Residential developers shall, in order to obtain subdivision approval, to provide streets of a suitable width and cross-section, sidewalks, other transportation facilities consistent with the Transportation System Plan, conveyance of natural drainage flows through the site, stormwater management systems, appropriate traffic safety signs and street lights, and normal and incidental public and quasi-public utilities including water, sanitary sewer, stormwater, and underground electric, cable, telephone and potentially fiber optic cable.**

Street width and other transportation facilities have been addressed as part of staff review of FCC 10-35 and 10-36. Stormwater management systems will not be public, but will be private. The applicant will work with the Public Works Director to resolve issues with the stormwater management systems proposed.

Most utilities have already been installed under-street prior to this application. Some upgrade or repair of these systems may be needed and are the responsibility of the property owner to provide to future residents.

**POLICY 11. New residential subdivisions shall dedicate rights-of-way and construct pedestrian and bicycle trails in accordance with the City's Transportation System Plan or where the extension of an existing pedestrian and bicycle facility is warranted as a logical extension of that city wide transportation system.**

The applicant has proposed interior sidewalks and trails through open space areas. Fairway Estates is not included within the City's Transportation System Plan, but the applicant will be responsible for a percentage of costs of extension of a planned pedestrian and bicycle facility which will serve the community.

**RECOMMENDATION 1. During construction of residential infrastructure for new subdivisions, clearing and grading activities should be limited to that work required to build streets, water and sewer lines, electric, cable and phone, and stormwater management improvements, leaving residential lots, common areas and other open space undisturbed until subsequent City approvals are obtained for housing development.**

Because some improvements have been previously made, there should be very little clearing and grading that should be needed. Any clearing or grading requires the proper authorizations from the City, either with a Vegetation Clearing Permit or Grading Permit unless the work is accompanied by a building permit. Refraining from clearing of residential lots also prevents the spread of invasive species such as scotch broom.

## **OTHER PLAN DESIGNATION CATEGORIES AND BACKGROUND**

### **Private Open Space**

The Private Open Space designation is intended to identify areas where the predominant character is a less intense development pattern consisting of natural uses or open areas. Uses may include crop production, recreation, animal grazing, fish and wildlife habitat, and other similar uses. If development occurs in these areas, it shall be in such a manner that maintains the natural features of the site. Natural features include but are not limited to drainage ways, wetlands, scenic vistas, historic areas, groundwater resources, beaches and dunes, and habitat for sensitive species. Development within a Private Open Space area may occur subject to the Planned Unit Development process.

Fairway Estates is located in a Private Open Space designated area, therefore, development may only occur through a Planned Unit Development. The applicant shall submit a Comprehensive Plan Amendment application with application for preliminary PUD and tentative subdivision for Phase II of Fairway Estates to change the designation of this area from Private Open Space to Medium Density Residential, in keeping with the proposed character of the PUD and surrounding areas. (Condition 11)

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## **CHAPTER 7: DEVELOPMENT HAZARDS AND CONSTRAINTS**

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**POLICY 1.** The City shall restrict or prohibit development in known areas of natural hazard or disaster in order to minimize risk to citizens, reduce the hazard of loss of life and economic investments, the costs of expensive protection works, and public and private expenditures for disaster relief

**POLICY 2.** Prior to development taking place in known areas of potential natural hazard, applicants shall provide a Site Investigation Report which clearly determines the degree of hazard present and receive City approval for the measures to be taken to reduce the hazard.

The applicant has proposed development in an area with a reported flooding problem according to the Florence Stormwater Management Plan. The SMP recommended for this area that a concrete-lined channel (Project CEN-C) extending from Project CEN-A eastward in order to intercept flows before they cause flooding along Royal St. Georges Drive. The Stormwater Management Plan recommends these improvements only after those recommended for CEN-A are completed.

The proposed development is also in an area of Yaquina Soils as identified by Map C, Appendix 7 of the Comprehensive Plan. This type of soil requires the submission of a Phase I Site Investigation Report. The applicant submitted the SIR September 9, 2015.

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## **CHAPTER 11: UTILITIES, FACILITIES, AND SERVICES**

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### **STORMWATER MANAGEMENT**

#### **Water Quality**

**POLICY 1.** Protect water quality in ground and surface waters from the effects of urbanization through land use and development policies and procedures.

**POLICY 2.** Protect the quality of water in surface waters, i.e., the estuary, significant wetlands and riparian corridors, lakes, and ocean/beach, from contamination threats that could impair the quality of the water for fish and wildlife habitat and human recreation.

**POLICY 3.** Manage or enhance waterways and open stormwater systems to reduce water quality impacts from runoff and to improve stormwater conveyance.

**POLICY 4.** Include measures in local land development regulations that minimize the amount of impervious surface in new development in a manner that reduces stormwater pollution, reduces the negative affects from increases in runoff, and is compatible with Comprehensive Plan policies.

**POLICY 5.** Stormwater shall be managed in as close proximity to the development site as is practicable, and stormwater management shall avoid a net negative impact on nearby streams, wetlands, groundwater, and other water bodies. The quality of stormwater leaving a site after development shall be equal to or better than the quality of stormwater leaving the site before development, as much as is practicable.

**POLICY 6.** Land use activities of particular concern as pollution sources shall be required to implement additional pollution controls, including but not limited to, those management practices specified in Florence City Code Title 9 Chapter 5.

**POLICY 7.** Use natural and simple mechanical treatment systems to provide treatment for potentially contaminated runoff waters.

**POLICY 8.** Require containment and/or pretreatment of toxic substances.

**POLICY 9.** Require containment to minimize the effects of chemical and petroleum spills.

#### **Water Quantity (Flow Control)**

**POLICY 10.** Prevent adverse flooding conditions through natural storage and slow release of surface water and runoff.

**POLICY 11.** Development shall mitigate all project impervious surfaces through retention and on-site infiltration to the maximum extent practicable. Where on-site retention is not possible, development shall detain stormwater through a combination of provisions that prevent an increased rate of flow leaving a site during a range of storm frequencies as specified in Florence City Code. Surface water discharges from onsite facilities shall be discharged to an approved drainage facility.

**POLICY 12.** The quantity and flow rate of stormwater leaving the site after development shall be equal to or less than the quantity and flow rate of stormwater leaving the site before development, as much as is practicable.

**POLICY 13.** Maintain flood storage capacity within the floodplain, to the maximum extent practical, through measures that may include reducing impervious surface in the floodplain and adjacent areas.

#### **Stormwater Management Facilities and Design**

**POLICY 14.** Stormwater management facilities are required for public and private development and shall be designed, installed and maintained in accordance with Florence City Code Title 9 Chapter 5 and the policies of the Comprehensive Plan.

**POLICY 15.** Foster and support the design and use of innovative stormwater management practices, including the incorporation of properly-designed constructed wetlands into public and private stormwater systems.

**POLICY 16.** Tailor stormwater management plans and practices for new development and redevelopment to the Oregon coastal environment in a manner that can adapt to changes in temperature and precipitation, and other notable climate change impacts.\*\*

**POLICY 17.** Promote water conservation through efficient landscape and irrigation, including water reuse and recycling, and other strategies to reduce water consumption, to reduce the need for new drinking water sources and/or expanded water storage.\*\*

**POLICY 18.** Implement changes to stormwater facilities and management practices to reduce the presence of pollutants regulated under the Clean Water Act and to address the requirements of the Endangered Species Act.

**POLICY 19.** All local, state, and federal permit requirements related to implementation of stormwater management facilities must be met by the owner/operator prior to facility use.

**POLICY 20.** Regulate site planning for new development and construction to better manage pre- and post-construction storm runoff, including erosion, velocity, pollutant loading, and drainage.

**POLICY 21.** Increase storage and retention and natural filtration of storm runoff to lower and delay peak storm flows and to settle out pollutants prior to discharge into waterways.

**POLICY 22.** Reduce street-related water quality and quantity problems caused by stormwater run-off;

#### **Maintenance**

**POLICY 27.** Maintenance of stormwater facilities is critical to their functioning, especially with natural systems. The City shall ensure that adequate measures are available to provide, or to require developers and homeowners to provide, on-going maintenance.

The applicant has been informed of issues with their submitted stormwater management plan and will work with the Public Works Director to resolve them.

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## **CHAPTER 12: TRANSPORTATION**

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**POLICY 6.** The City shall continue to require new development to pay its share of costs of development of, or improvements to, transportation facilities which will serve the proposed development.

**POLICY 8.** The City shall protect the function of existing and planned transportation systems as identified in the TSP through application of appropriate land use and access management techniques.

- Pursuant to the State Transportation Planning rule, any land use decisions which significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, level of service of the facility.

**POLICY 9.** Land development shall not encroach within setbacks required for future expansion of transportation facilities. At the time of land development or land division, the City shall require dedication of adequate right-of-way or easements consistent with the adopted TSP in order to achieve connectivity; maintain adequate street widths, bikeways and walkways; and to accommodate transit facilities.

- New development and redevelopment shall accommodate on-site traffic circulation on the site. For new development and redevelopment, “backing out” maneuvers onto all streets shall be avoided for uses other than single-family and duplex homes. “Backing out” maneuvers shall also be avoided for new single-family and duplexes accessing arterial and collector streets.

**POLICY 13.** Streets, bikeways and walkways shall be designed to meet the needs of pedestrians and cyclists to promote safe and convenient bicycle and pedestrian circulation within the community. To promote bicycling and walking, marked bicycle lanes and sidewalks are required on all arterial and collector streets (other than those collectors identified as scenic drives) when those streets are newly constructed, reconstructed, or widened to provide additional vehicular capacity. For collector streets that are identified as scenic drives, provision shall be made to adequately accommodate bicycles and pedestrians when those streets are newly constructed, reconstructed, or widened to provide additional vehicular capacity.

- Development shall provide adequate on-site circulation for vehicles, buses, bicycles, and pedestrians and shall provide off-site transportation improvements necessary to ensure that the incremental demands placed on the transportation system by the development are met.

**POLICY 14.** Streets shall be designed to efficiently and safely accommodate emergency service vehicles.

- In partnership with the School District, the City shall work toward a safe and convenient transportation system that accommodates school buses; children walking to and waiting at a bus stop; and children walking and riding their bicycles to school.
- The City shall accommodate local freight traffic accessing the industrial areas along Kingwood Avenue via 9th, 27th, and 35th Streets by maintaining adequate clear street widths (unimpeded by parking or overhanging signs/trees), adequate turning radii, and visibility.

**POLICY 23.** All transportation improvements shall be consistent with the requirements for stormwater in Chapter 11 of the Comprehensive Plan.

Transportation has been discussed previously in these findings.

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## **VI. ALTERNATIVES**

1. Approve the application based on the findings of compliance with City regulations.

2. **Modify the findings, reasons or conditions, and approve the request as modified.**
  3. **Deny the application based on the Commission's findings.**
  4. **Continue the Public Hearing to a date certain if more information is needed.**
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## **VII. CONCLUSIONS AND RECOMMENDATIONS**

Staff finds that the proposed application could meet the requirements of City Code with conditions, but recommends continuance of the Public Hearing to a date certain in order to determine the true area of the proposed PUD.

Staff recommends continuance of the public hearing to a date certain in order to allow additional testimony to be entered into the record.

If this information is obtained prior to the public hearing regarding this application and the amount of Open Space is found to be greater than or equal to 20% of the proposed PUD area, staff recommends approval of the proposed application. Staff will provide a supplemental staff report with staff's final recommendation.

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## **VIII. CONDITIONS OF APPROVAL**

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

1. Approval for shall be shown on:

- "A" *Findings of Fact*
- "B" Land Use Application
- "C" Preliminary Plat & "Proposed Geometry"
- "D" Stormwater Plan
- "E" TIA Review by Civil West
- "F" Traffic Impact Analysis
- "G" SVFR Comments
- "H" PW Comments

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and

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

3. Prior to application for final approval of PUD and subdivision, the applicant shall submit stormwater drainage system plans approved by the Public Works Director and meeting City of Florence standards and specifications.

#### **4. Zoning**

- 4.1. The applicant shall provide complete dimensions for all lots within Fairway Estates.
- 4.2. Each dwelling shall meet the requirements of the Single Family Residential District with regard to maximum allowed lot coverage, described by FCC 10-11-4-C and yard regulations, described by FCC 10-11-4-D.
- 4.3. Subsections A through I of FCC 10-11-5 shall be met by developments within the Fairway Estates Planned Unit Development and shall be reviewed at the time of submission of building permits application.
- 4.4. Manufactured homes which may be built within the PUD shall comply with Florence City Code minimum standards regarding manufactured homes.

#### **5. Parking**

- 5.1. Each residence shall be required to provide parking counting toward the minimum required number of parking spaces for single-family residences in garages or carports.
- 5.2. The applicant has proposed single-family dwellings for each proposed lot, consistent with zoning for the Single Family Residential District. Each dwelling unit shall be required to provide at least two spaces of covered parking.
- 5.3. The applicant shall ensure that each single-family dwelling provides covered parking spaces suitable in area and dimension for two vehicles. No encroachments (such as water heaters, steps, door swings, etc.) into the required parking spaces shall be allowed.

#### **6. Planned Unit Development**

- 6.1. Staff finds that the one under-sized (by FCC standards) proposed lot, Lot 31, shall be able to utilize the maximum 50% enclosed building coverage allowance made for PUDs as part of FCC 10-23-5-B. Lot 31 shall have a maximum impervious surface coverage of 65%.
- 6.2. Any additional utilities not already installed within the area of the proposed Planned Unit Development shall be placed underground by the developer prior to final PUD and final subdivision.
- 6.3. The applicant shall provide the exact area of the proposed PUD prior to the approval of their current application for preliminary PUD and tentative subdivision.
- 6.4. The applicant shall provide the areas and content of proposed open space areas, as well as specifically the area of preserved vegetation prior to the application for final PUD and subdivision.
- 6.5. Open Space and public improvement plans shall be completed and submitted prior to application for final approval of PUD and final approval of subdivision.
- 6.6. The applicant shall provide a statement ensuring that the proposed areas of Open Space do not contain any of the listed conditions of FCC 10-23-5-G-4 as part of the required PUD recreation areas.
- 6.7. Slope easements may be necessary for the Rhododendron Drive Multi-Use Path and will be required to be included with the final plat. The applicant shall consult with the Public Works Director to determine if these easements are necessary.
- 6.8. Reservation easements shall be provided at the end of each street leading to Phase II of Fairway Estates and Phase III of unknown PUD. The reservation easement shall measure the width of the street and meet City of Florence standards.
- 6.9. It is not known if other individuals with the required credentials have been involved in the planning process for Fairway Estates. The applicant shall submit this information with application for Final PUD and Subdivision.
- 6.10. The applicant shall provide a copy of the agreements, provisions, or covenants for the Fairway Estates Homeowners Association prior to approval of final PUD and final subdivision.
- 6.11. A landscaping and tree plan shall be provided to the Planning Department prior to application for approval of final PUD and final subdivision.

- 6.12. Any private or public improvements to include utilities, open space, or similar improvements not completed prior to application for final PUD and subdivision shall require a cash deposit, surety bond, or other similar guarantee reviewed and approved by the Public Works Director in order to insure the full and faithful performance by the parties involved not to exceed a period of two years after required improvements are completed.

## **7. Access and Circulation**

- 7.1. The streets, though privately-owned, are required to meet the standards of the City of Florence. Additionally, access approval is required for the development. Access Plans to Rhododendron Drive shall be submitted with application for final PUD and final subdivision approval. Construction permits will be required for all work within the public right-of-way along Rhododendron Drive.
- 7.2. A reciprocal access agreement with Sandpines West Master Association/Lot Owners Association is required prior to application for final PUD and final subdivision.
- 7.3. A reciprocal access easement will be required and granted for the separately owned PUD to the east of Fairway Estates at which time that area (formerly Sandpines West Shore Phase III or Sandpines Master Plan Phase C3) is developed.
- 7.4. Prior to approval for preliminary PUD and tentative subdivision, the applicant shall provide greater detail regarding planned access onto Rhododendron Drive. The applicant shall submit information regarding the width of private right-of-ways, street improvements, layout and detail of lanes, curbs, and of entrance gate area, information regarding intersection with Royal St. Georges Drive, typicals demonstrating that City-approved standards for ADA accessibility will be met, as well as a plan illustrating connections to the Rhododendron Drive Multi-Use Path.
- 7.5. Since no specific development has been proposed by the applicant, driveways constructed following approval of final PUD and final subdivision shall meet the requirements of FCC 10-37-2-7.
- 7.6. The applicant shall provide information regarding pedestrian and bicycle connections and amenities prior to approval of preliminary PUD and tentative subdivision.
- 7.7. The applicant and subsequently the Fairway Estates Homeowners Association shall provide similar joint and cross access to the planned Phase II of Fairway Estates and Phase III held under separate ownership.

- 7.8. Driveways within Fairway Estates and the main entrance shall comply with the minimum standards of FCC 10-35-2-12.
- 7.9. The applicant shall design the gated entrance driveway onto Rhododendron Drive to meet the vision clearance requirements of Florence City Code 10-35-2-14. Future driveways within Fairway Estates shall also meet the vision clearance requirements.
- 7.10. The applicant shall provide sidewalks for the PUD entrance and all common and Open Space areas prior to approval for final PUD and final subdivision.
- 7.11. Fairway Estates interior sidewalks (those adjacent lots) shall be constructed as those lots receive building permits for single-family residences.
- 7.12. Should the issues listed in FCC 10-35-3-1-D prevent construction of sidewalks within or adjacent to the Fairway Estates PUD, the applicant or homeowner shall consult with the Public Works Director.
- 7.13. The applicant shall submit a site layout and design demonstrating a continuous walkway system prior to approval for preliminary PUD and tentative subdivision.
- 7.14. The applicant shall provide for walkways which are safe, reasonably direct, and convenient. Each residence built within Fairway Estates shall be required to have an entry walkway leading to the front door.
- 7.15. The applicant shall be responsible for the construction and maintenance internal sidewalks and entry walkways provided as shown to the greatest extent practicable.
- 7.16. Private pedestrian walkways within Fairway Estates leading to Open Space areas shall meet the requirements for pedestrian access and circulation contained within FCC 10-35.

## **8. Public Facilities**

- 8.1. The applicant shall submit, prior to approval of final PUD and final subdivision, a plat map designating the front lot line of each residential lot 1 through 40.
- 8.2. The applicant shall provide information regarding proposed streets, width, and improvements to the Public Works Director.
- 8.3. For access and maintenance of public utilities which will be located under private streets within Fairway Estates, the applicant shall record access easements created and maintained in accordance with Oregon Fire Code and City of Florence Standards and Specifications.

- 8.4. The applicant shall develop the interior streets of Fairway Estates Phase I in accordance with the specifications for Local Streets with space provided for on-street parking on both sides of the travel way and a minimum five-foot wide sidewalk on both sides of the street.
- 8.5. The applicant shall provide, either through additional Systems Development Charges for lots within Fairway Estates or as an estimated charge following approval of the Fairway Estates PUD and subdivision, 49% of funding required for the extension of the Rhododendron Drive Multi-Use Path between the northernmost end of the Fairway Estates development and driveway adjacent to Rhododendron Drive and the intersection of 35<sup>th</sup> Street and Rhododendron Drive.
- 8.6. Materials submitted by the applicant do not state the throat length of the "Ironwood Circle" cul-de-sac nor the radius or lane width of the landscaped island or circular turnaround. The applicant shall submit this information prior to approval of preliminary PUD and tentative subdivision.
- 8.7. The applicant shall provide private streets with sidewalks and pathways which conform to City standards of construction. The applicant shall submit legal assurance for the construction and maintenance of the private streets, sidewalks, and pathways of Fairway Estates.
- 8.8. The applicant shall provide, at the discretion of the Fire Marshal, a temporary turnaround meeting Oregon Fire Code for all street stubs over 150 feet in length (at the north end of "Deer Haven Lane" and east end of "Tournament Road"). The applicant shall also install a Type III barricade at the end of each street stub (outside of the turnaround area) which shall not be removed until authorized by the City.
- 8.9. The applicant shall provide intersection information such as corner radii, intersection angles, grades, and centerline measurements prior to approval of preliminary PUD and tentative subdivision.
- 8.10. The applicant shall specify and make clear where sidewalks will be located, either adjacent to the street or at the property line for future residents of Fairway Estates by including the item in the PUD CC&Rs. Sidewalks to be completed in common areas shall be provided on plans submitted prior to application for approval for final PUD and final subdivision.
- 8.11. Monumentation and street signage shall be required upon completion of street and other improvements within Fairway Estates.

- 8.12. The applicant shall coordinate with the Florence Postmaster to determine the best location and regulations for mail boxes within Fairway Estates or the entrance area.
- 8.13. The applicant shall provide information regarding street lights which may already be installed prior to submission of an application for final PUD and final subdivision.
- 8.14. Plans regarding public improvements, lighting, stormwater, open space, and any other like plan shall be submitted to the Planning Department and Public Works for review and approval prior to installation or site disturbance and prior to application for final PUD and final subdivision.
- 8.15. The applicant shall submit an application for an NPDES permit and obtain approval prior to application for final PUD and final subdivision.

## **9. Lighting**

- 9.1. The applicant shall submit a plan demonstrating the location of lighting fixtures, 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 prior to application for approval of final PUD and subdivision.
  - 9.2. The applicant shall submit landscape lighting information prior to final approval of PUD and subdivision which demonstrates that those lights will be extinguished after hours.
  - 9.3. The applicant shall be subject to a 30-day review period following the approval of final PUD and subdivision or following the operation of the lighting system to ensure that the lighting system does not need adjustment. The applicant shall inform staff when the lighting system becomes operational.
  - 9.4. The applicant has not provided any information regarding their entrance or roadway signage, but any lighting for signage with Fairway Estates or at the entrance or in common areas shall meet the standards of FCC 10-37.
- 10. The applicant shall provide a tentative plan which provides all of the information listed in FCC 11-3-2-C.
  - 11. The applicant shall submit a Comprehensive Plan Amendment application with application for preliminary PUD and tentative subdivision for Phase II of Fairway Estates to change the designation of this area from Private Open Space to Medium Density Residential, in keeping with the proposed character of the PUD and surrounding areas.

## IX. EXHIBITS

"A" <i>Findings of Fact</i>
"B" Land Use Application
"C" Preliminary Plat & "Proposed Geometry"
"D" Stormwater Plan
"E" TIA Review by Civil West
"F" Traffic Impact Analysis
"G" SVFR Comments
"H" PW Comments