

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

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**Public Hearing Date:** September 15, 2015      **Planner:** Wendy FarleyCampbell  
**Date of Report:** September 22, 2015  
**Application:** PC 15 18 PUD 02

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for a modification to East Bank Planned Unit Development (PUD) approval, from a 99 lot townhouse development to a 54 lot detached single family dwelling PUD.

**Applicant:** Byron Roberts, representing owner S & C Investments

**Property Owners:** S&C Investments, LLC

**Location:** Between 38<sup>th</sup> Loop and 43<sup>rd</sup> St. west of Oak St. and east of Sandpines Golf Course.

**Site:** Groups of Building Sites: Map #18-12-14-31 TL: 3600-5500  
Open Space: Map #18-12-14-31 TL: 3500, 5600, & 5700  
Groups of Building Sites: Map #18-12-15-44 TL: 100-7800  
Open Space: Map #18-12-15-44 TL: 7900-8200, 8400, & 8500  
Streets: Map #18-12-15-44 TL 8300, 8600, 8700

**Comprehensive Plan Map Designation:** High Density

**Zone Map Classification:** Multi-Family Residential District

**Surrounding Land Use / Zoning:**

Site: Vacant / Multi-Family Residential  
North: Sandpines Golf Course/ Single Family Residential  
South: Vacant / Multi-Family Residential District  
East: Single Family Homes, Duplexes, Multi-Family Residential / Highway District  
West: Sandpines Golf Course / Single Family Residential

**Streets / Classification:**

Site – Nandina Drive, Local; West – Internal Sandpines Golf Course Driveway – N/A;  
North – None; East – Oak St. Collector; South – None

## **II. NARRATIVE:**

On August 30, 2005 the Florence Planning Commission approved Resolution PUD 05 05 for a preliminary PUD and tentative subdivision plan for East Bank. On July 16, 2006 the public improvement plans were approved by Planning Dept. with the condition that the developer ensures that the road connecting the PUD to the Clubhouse area was built in accordance with the Sandpines Golf Clubhouse East Entry Connector Road Plan and Profile. Between August 17, 2006 and July 16, 2007 the utility installation and road improvements were completed after receipt of the wetland mitigation plan approval from the Army Corps of Engineers. On August 14, 2007 the Planning Commission approved the Final Plat for East Bank and the plat was recorded on October 4, 2007. The property has changed ownership several times since its original application in 2005 and has remained undeveloped.

Once the final plat was recorded with the county the PUD approval was set even with the stalled lot development. The new owner of the property wishes to reduce the approved development density by creating 54 buildable lots out of the 99 town house lots. Rather than filing for a re-plat and resurveying and monumenting the entire development the applicant proposes to file a deed restriction on ownership groupings of lots forever joining them unless approved for dissolution by the City. Each grouping would then be used to construct one single family detached residence. The deed restriction with the list of groupings was provided in the application and is included in the packet materials.

The applicant submitted the application for a modification of the Final Planned Unit Development Plan on July 29, 2015. With the application, the applicant submitted a narrative, Traffic Impact Analysis, deed restrictions, utility needs, and open space and transportation changes.

The application was deemed "complete" on August 26, 2015.

## **III. ISSUES**

Secondary Access-Both Resolutions PC 05 05 (2005) and PC 07 24 SFP 02 (2007) required secondary access for the development. The 2005 proposal included two construction phases. As such their approval required a temporary outlet onto Oak St. until connectivity was made with the Sandpines Golf Course internal driveway. The 2007 approval for final plat noted that the applicant's completion of Nandina Dr. through to the golf course internal driveway met the condition for connectivity and no outlet to Oak St. was required. Since this time a gate was installed presumably by a new golf course owner and secondary access blocked for East Bank. Code requires secondary access.

## **IV. NOTICES & REFERRALS:**

**Notice:** On September 2, 2015 notice was mailed to surrounding property owners within 300 feet of the property. On September 2, 2015 a sign was posted on the property. Notice was published in the Siuslaw News on September 16, 2015.

At the time of this report, the City received no written comments.

**Referrals:** On September 2, 2015 referrals were sent to the Florence Building, Police, and Public Works Departments; United States Postal Service, Central Lincoln PUD, Western Lane Ambulance District, Division of State Lands, Department of Land Conservation and Development, Charter Communications, Century Link, and Siuslaw Valley Fire and Rescue.

At the time of this report, the City received no written comments. Verbal comments were received from both Siuslaw Valley Fire and Rescue regarding the turnaround and Public Works regarding the capping of utilities.

## **V. APPLICABLE REVIEW CRITERIA**

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

Chapter 5: Stormwater Management Requirements

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

Chapter 1: Zoning Administration, Sections 1-5

Chapter 3: Off-Street Parking and Loading

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

Chapter 10: Multi-Family Residential District, Sections 2, 3, 4 & 5

Chapter 23: Planned Unit Development

Chapter 35: Access and Circulation, Sections 2-2, 2-3 & 2-5 through 2-14 and 3-1, 3-2, 3-3 & 3-4

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

Chapter 37: Lighting, Sections 2 through 6

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

Chapter 2: General Subsection Policy 7, Residential Subsection Policies 1, 5, 10 & 11, Recommendation 1

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources, Policies 1, 3, 4 & 8

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

Chapter 11: Stormwater Policies 1-22

Chapter 12: Transportation, Policies 6, 8, 9, 13, 14 & 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 September 2, 2015, 20 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on September 16, 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

- B. "Soils Map", Florence Comprehensive Plan Appendix 7. (Ord. 625, 6-30-80)
- 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.

The Local Wetlands Inventory Map dated 6-13-2013 illustrates probable wetlands on the East Bank property. An excerpt is provided below. A wetland concurrence dated July 17, 2006 was received from the Department (Division) of State Lands. It was valid for 5 years and therefore has expired. It included all of the areas illustrated below except the "new" wetland in Open Space "A" and a portion in the Nandina Dr. right-of-way which was eliminated with the street's construction. The "Soils Map (Map C)", Florence Comprehensive Plan Appendix 7 illustrates the majority of the site to contain Yaquina Loamy type soil while the remainder is Waldport 0-12% slopes.



**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 have been identified as probable since the delineation has expired. The wetlands are not categorized as "Significant". The site has an approved and installed storm water drainage system that was designed by a registered engineer. A signed Hold Harmless agreement to be signed by the owner was required under a previous condition of approval associated with the storm water system. As of this writing staff has been unable to locate it. Staff finds the combination of the Hold Harmless agreement and completed and approved 2007 storm water management analysis and design and installation meet the requirements for addressing the on-site Yaquina soils situation since the soils map is the same utilized during the previous approval. However, since the 2006 wetland delineation has expired the identification of wetlands require further review and consideration from the applicant. Prior to any development or site disturbance on lots with probable wetlands the applicant shall request a wetland determination from the Department of State Lands. If the determination reveals that wetlands are likely, a wetland delineation must be submitted to the Department of State Lands for review and concurrence prior to permit application for affected property. (Condition 24)

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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.**

**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 proposes single-family residential dwellings, a permitted use in this zone, and open space associated with those dwellings. Commercial uses have not been proposed. But the applicant states that temporary RV use may be necessary for contractors and their subs during development of



their phase of construction. **(Condition 3)** No temporary RV use for is requested for lot owners. 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 approved layout of the final plat. His requested change to the PUD density should further reduce any impacts as the adjacent uses are mostly single family residential at similar densities. Reusing this layout will reduce the impact on the surrounding lands and minimize vegetation removal.

**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 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 I. The TIA submitted by Damian Gilbert, P.E. of Branch Engineering Inc. is attached as Exhibit F.

The peer review concurred with the submitted TIA in that the applicant will not be required to provide vehicular improvements.

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 utilities for this development have been installed and accepted by the city. The sidewalks within the development remain incomplete as do the pedestrian paths. Nandina Dr. is complete. The 2007 approval PC 07 24 SFP 02 identified that the completion of Nandina Dr. to its intersection with the Club House drive met the condition for connectivity.

Since the streets completion and the 2007 approval a gate has been added between the two developments. Absent this scenario the residents of East Bank will be adequately served by the existing and proposed services. This issue is discussed later in the report.

**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 PUD will continue to result in an attractive, healthful, efficient, and stable environment. This criterion is met.

The length of the PUD does not meet current code related to block length and thus has inefficient transportation design. The applicant does not propose to change the plat to address this.

**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 proposes a PUD on parcels of contiguous land which total approximately 12.36 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 PUD continues to serve as an exclusive residential development. Building coverage is limited to 50% consistent with the PUD code and a maximum impervious coverage of 65% per lot grouping consistent with the zoning code. **(Condition 4)**

**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 any other yard regulations other than those required by the base zoning district. The Open Space areas along Oak St. and the golf course create perimeter yards for most of the lots. Staff does not see the need for additional PUD perimeter yard setbacks. The yard standards of the base zoning district shall apply to single family home construction on individual lot groupings.

- 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 building heights contrary to code. Maximum building height will not exceed that prescribed by the Multi-Family Residential zoning district for single family dwellings.

- 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)

A reduction has not been requested. In accordance with FCC 10-3 two on-site covered parking spaces are required for each lot grouping/single family residence.

- 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.

The utilities were installed and approved by the city. Each dwelling/lot grouping can have one water and one sewer connection. The applicant proposes in his application the need for new water meters and the capping of the extra sewer laterals from the former townhouse development. The applicant will continue to work with Public Works to resolve utility needs and issues related to underground utilities. **(Condition 5)**

- 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 proposed a total of 119,198 square feet of open space, split among ten separate areas along all sides of the development. This is 6278 sq. ft. greater than previously approved due the addition of Lots 1 & 2 presently developed with golf course path and drainage. Staff calculated 319,628 sq. ft. of net development area from the recorded plat (minus Lots 1 & 2). The proposed open space represents 37% of the net area of the development, which meets the minimum 20% criterion. However open space is required by the above code to be platted. The applicant shall revise the subdivision plat to identify Lots 1 & 2 as Open Space. **(Condition 6)**

- 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.**

An open space plan was approved in 2007 that illustrated the preservation areas and landscape areas. Landscape areas included constructed wetlands, gate entry and the two OS areas along Nandina at its southern curve. The code has changed since the 2007 approval whereby 25% of the 20% must include recreational amenities. 25% of the required 63,925 sq. ft. of open space is 15,981 sq. ft. The applicant shall provide a recreational use area plan identifying the sq. ft. and the amenities of proposed recreation open space areas. Examples of recreational uses include: paths, benches, picnic tables, interpretive signage for the wetlands, gazebos, lawn games etc..... The recreational use plan shall be submitted for review and approval and improvements installed prior to issuance of an occupancy permit for a single family dwelling. **(Condition 7)**

- 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 not provided a detailed development schedule. Recreational Use Space plans are conditioned above.

- 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 any buildings, structures, or other improvements to open space areas must be provided. A bond will be required if open space and turn-around areas are not completed prior to issuance of a building permit for a single family dwelling. **(Condition 8)**.

- 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 9)**

**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.**

No additional easements are required for this PUD modification.

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

Pedestrian path easements are located in two locations, between Lots 57 & 58 and 40 & 41. The path between lots 57 & 58 is improved. The applicant did not submit improvement plans for the one between Lots 40 & 41. Plans shall be submitted to Public Works for review and approval and then constructed in accordance with City design standards in FCC 10-35 prior to issuance of an occupancy permit for a single family dwelling. **(Condition 10)**

**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 East Bank 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.

Prior to issuance of an occupancy permit for any residence or show home, the applicant shall create 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 for the protection and maintenance of property, buildings, structures, and the common open spaces that is acceptable to the Planning Commission as providing for the continuing care of the above. **(Condition 11)**

**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 East Bank was prepared by the applicant Byron Roberts. Damian Gilbert, Professional Engineer submitted the TIA and Laurel Bay provided the landscape plans. No survey work was conducted as no changes to the plat were proposed. The work submitted included professionals from their respective fields.

**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 has submitted most materials required for final review. There are a few amendments required and plans for recreation uses and turnaround required. These are required to be submitted materials for a final review prior to issuance of an occupancy permit for a single family dwelling.

**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 new street turnaround and lot groupings. 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.**

No areas are 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. Lot owners will be responsible for building single-family residences on their lots as they see fit to develop them. Open Space plans were addressed earlier in the report.

- 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.**

The PUD was originally approved in two phases. The 2007 modification included development in one Phase. The market dropped precipitously and the development stalled. The new owner/applicant is interested in continuing development of the PUD as soon as possible. This is illustrated by his work on the site to include installing the gate, entry landscaping and fencing. He would have pulled his first building permit if authorized. The market will govern the rate of development. No development schedule has been provided

by the applicant. The remaining improvements to include Recreational uses, pedestrian path and turn-around must be completed prior to issuance of an occupancy permit for a single family dwelling, or they must be bonded. **(Condition 8)**

**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. Amendments to the agreements, provisions, or covenants for the East Bank Homeowners Association have been provided. The applicable sections are reviewed throughout the staff report and conditioned as necessary for amendment.

**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.**

Off-street parking is discussed in Section 10.8 of the CCRs and requires a minimum of 3 spaces to include garage and driveway. Two enclosed parking spaces are required elsewhere in the CCRs. City code requires a minimum of 2 covered parking spaces, the proposal meets city code.

Circulation: The CCRs do not permit on-street parking on Nandina Dr. and the applicant proposes a turn-around in Open Space "E". The 2005 and 2007 approvals required secondary access and included conditions stating that connectivity was required in conformance with city code. This condition was satisfied with the connection of Nandina to the driveway to the clubhouse. Since the construction of the street a gate has been installed on the driveway to the clubhouse preventing connectivity. Another gate is present at the 35<sup>th</sup> St. entry to the golf course. Either the Sandpines Golf Course gates must be altered to permit thru access during an emergency or a secondary vehicular access must be provided onto Oak St. **(Condition 12)**

Both an Open Space/Tree Preservation Plan and landscaping plans were submitted with the previous approval. Landscape areas include the gated entry, constructed wetlands, and Nandina OS. The applicant submitted a revised landscape plan for the 43<sup>rd</sup> St. entry. Updates as needed to the tree preservation and landscape plans shall be provided to the Planning Department prior to application of a building permit. **(Condition 13)**



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.

**10-23-12: ADHERENCE TO APPROVED PLAN:** The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

1. The use of the land and the construction, modification or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.
2. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in condition that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.
3. No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the planned unit development.

East Bank PUD received Final PUD approval August 30, 2007. The new owners wish to modify the PUD from townhouse to single family residential development. There were also many conditions of approval related to transportation that he thought would no longer apply with the reduction in dwelling units. The applicant has conducted a TIA that found no impacts to nearby transportation facilities. Criterion 2 above permits an amendment to a final PUD if required for continued success of the PUD. The residential market has changed considerably since their 2007 approval. There is presently an oversupply of attached single family residential dwellings in the Florence area. The requested change meets the criteria.

**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 streets, utilities, open space, or similar improvements not completed prior to issuance of an occupancy permit for a single family dwelling 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 8)**

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**TITLE 10: CHAPTER 13: MULTI-FAMILY RESIDENTIAL DISTRICT**

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**10-13-2: PERMITTED BUILDINGS AND USES:****Planned Unit Developments**

A PUD is defined as a “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”. The applicant’s property is zoned Multi-Family Residential District. The applicant proposes smaller single family lots at a density of 7.3 units per developable acre within a Planned Unit Development. The High Density plan designation with its corresponding zoning of Multi-Family Residential seeks an 8.7 unit per acre density while the Medium Density plan designation seeks 6.7 units per acre. As such, the proposed single family uses at a higher density than Medium Density is consistent with the RM District.

The proposed PUD development is permitted.

**10-13-4: 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 plat for East Bank was recorded October 4, 2007 and included 99 townhouse lots. The applicant has submitted with this application a Declaration of Restrictions to create 54 ownership groupings for the construction of one single family dwelling per grouping. The proposed groupings consist of one, two or three of the original townhouse lots.

FCC 10-1 defines “lot width” is the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines. The lot dimensions vary in width from 47.71 ft. (Lot 40) to 116.80 ft. (Lot grouping 57/58/59). Lot depths are defined as the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. The lot depths range from 83'-121'.

All of the lots meet the minimum depth to be considered a building site. Lot 40, a singular lot rather than a grouping of lots, is the only lot to not meet the minimum lot width to be considered a building site. The lot was approved in the final plat as one of the wider townhouse lots and since not combined with another lot is the narrowest of the groupings. The lot consists of over 53' of street frontage, greater than three other lot frontages. 37% of the 54 lots meet the 65' width and 63% meet the 50' width. The lot grouping widths and depths meet the general purposes of the zoning district.

- 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).**

Lot areas range from 4,463 square feet to 12,077 square feet with a mean lot size of 5,919 sq. ft. As noted above, the PUD provisions allow for deviations of site specific development standards provided that overall intent of the district is maintained. Since the property is zoned as Multiple Family Residential, the intent of the district is to provide “a quality environment for high density urban residential uses.” In order to achieve this intent, smaller lot sizes with smaller lot dimensions would be likely. The district regulations of requiring a minimum parcel size of 6,500 square feet would provide for a density in the range of 6.7 dwelling units per acre if developed with detached single family dwelling units. The proposed PUD with a density of 7.3 dwelling units per acre is consistent with the intent of the district to provide a “high density urban residential use.”

**C. Lot Coverage:**

**1. For single-family and duplex dwellings, 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 area shall not exceed seventy five percent (75%) of the lot area.**

FCC 10-23 Planned Unit Development says the following regarding lot coverage:

*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 proposed PUD is exclusively residential and 50% building coverage is permitted.

**D. Yard Regulations:**

**1. For single-family and duplex dwellings, front, side and rear yard regulations shall be the same as those in the Single-Family Residential District (Chapter 11 of this Title).**

**Chapter 11-4 regarding yard regulations is as follows:**

**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 revised CCRs propose front yard setbacks of 10' for dwellings and 20' for garages and 5' and 10' side and rear yard setbacks respectively. The lots west of Nandina have a 10' wide public utility easement along the front of the lots and the lots east of Nandina have an 18' wide public utility easement along the front of the lots. Buildings are not permitted to be constructed within utility easements. Building footers/foundations extend outward from the building face. Additionally, sidewalks are proposed within the eastern 18' utility easement area. Vehicles parked within the 20' setback area would encroach into the sidewalk and street area.

The proposed CCR's shall be amended to permit 15' house setbacks and 20' garage setbacks along the west side of Nandina and 23' house and garage setbacks along the east side of Nandina. **(Condition 14)**

#### **10-13-5: 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').

##### **C. Fences:** See Code Section 10-34-5 of this Title.

##### **D. Vision Clearance:** Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.

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

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

##### **G. Public Facilities:** Refer to Section 10-36 of this Title for requirements.

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

##### **J. Open Space:** N/A

- K. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.**
- L. Lighting: Refer to Section 10-37 of this Title for requirements.**

FCC 10-13-5 deals with development which meets the greater requirements of the base district. Subsections A through L of FCC 10-13-5 shall be met by developments within the East Bank Planned Unit Development and shall be reviewed at the time of submission of building permits application.

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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.**

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.

**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. Each dwelling unit shall be required to provide at least two spaces of covered parking.

**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 15)**

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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.

No modification to the Oak St. and 43<sup>rd</sup> St. public access point is proposed. The development will take access from Nandina Dr. onto Oak St. at 43<sup>rd</sup> St. An access plan/construction permit for the pedestrian path connection between Lots 40 & 41 to Open Space Area B shall be submitted to Public Works for review and approval prior to site disturbance.

**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 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.**

If secondary access is taken through the golf course a reciprocal access agreement with Sandpines Golf Course Owners is required prior to issuance of an occupancy permit for a single family dwelling. Access easements and maintenance agreements shall be coordinated with the adjoining property owners of the golf course as needed for the secondary access. **(Condition 12)**

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.**

Access points will be reviewed in conjunction with building permits and shall meet spacing standards in city code.

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

The applicant has not proposed any right-of-way dedications and none are necessary. This criterion does not apply.

4. **Street improvements.**

The applicant shall submit construction plans illustrating the planned street improvement on Open Space E and construct the improvement prior to issuance of an occupancy permit for a single family dwelling.

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.



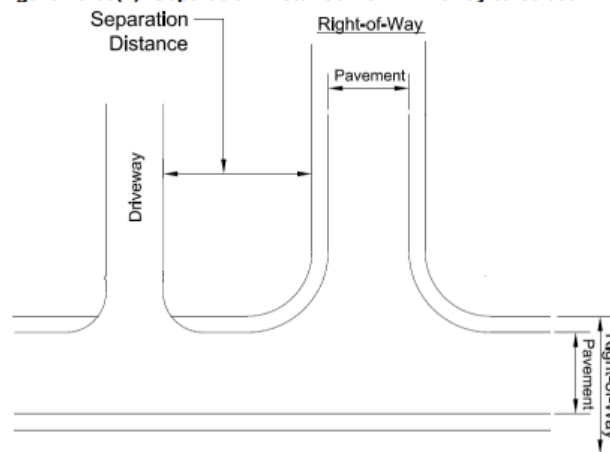
**10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:**

- 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:**

<b>Alley</b>	<b>15 feet</b>
<b>Local Street</b>	<b>25 feet</b>
<b>Collector Street</b>	<b>30 feet</b>
<b>Arterial Street</b>	<b>50 feet</b>

**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 shall meet the requirements of FCC 10-37-2-7.

**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.

Access is proposed onto Nandina Dr. a private local street.

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

No pedestrian circulation changes are proposed. However, it should be noted that Open Space Areas B and C have no access easements. They can only be accessed by those houses that abut them. The same does not hold true for all other open space areas. If B or C are included in the plan to meet the PUD 25% recreational development requirement then access shall be included and developed in accordance with 10-35-3 in the existing drainage easements or other suitable arrangements (such as off Open Space H). **(Condition 16)**

The applicant proposes to add a turn-around within Open Space E. The previous approvals required secondary access. The then applicants proposed to provide it through the Sandpines club house driveway. Since the ownership change and construction of Nandina Dr. a gate has been constructed that prevents through access. Remedy of this situation has been conditioned to either obtain through access or another outlet be provided onto Oak St.

**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 cannot 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.

Secondary access was a requirement for the previous approvals. Accommodation for joint access and maintenance was not a consideration or mentioned in the previous applications. No public easement is required nor land required to be dedicated to the public. Access easements and maintenance agreements shall be coordinated with the adjoining property owners of the golf course as needed for the secondary access. **(Condition 12)**

**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 oneway 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.
- 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.

The applicant submitted dimensional information for the turn-around on Open Space E. The Fire Marshall has approved the plan and it meets the latest dimensioning requirements in Fire Code. The City Code is outdated. Driveway approach plans will be reviewed and approved at the time of building permit application. Driveway construction shall meet city design standards of FCC 10-35-2-12.

**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.

Driveway approaches and the turn-around shall meet city design standards of FCC 10-35-2-13 for vertical clearance.

**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.

The gated entrance driveway onto Oak St. shall meet the vision clearance requirements of Florence City Code 10-35-2-14. Future driveways within East Bank shall also meet the vision clearance requirements.

**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.**

East Bank interior sidewalks (those adjacent lots) shall be constructed as those lots receive building permits for single-family residences. The applicant shall provide sidewalks for the PUD 43<sup>rd</sup> St. entrance and all street facing common and Open Space areas on the east side of Nandina Dr. prior to issuance of an occupancy permit for a single family dwelling. (Condition 17)

- 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 East Bank PUD, the applicant or homeowner shall consult with the Public Works Director.

**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 recorded plat illustrates two pedestrian connections, one to Oak and the other to Open Space B. Other Open space areas do not have any connectivity. They could however be accessed within the stormwater easement. Staff has conditioned pedestrian continuity of these open spaces.

- 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 East Bank shall be required to have an entry walkway leading to the front door. **(Condition 18)**

**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**

**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 thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.**
- 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.**

Pedestrian walkways within East Bank leading to Open Space areas shall meet the requirements for pedestrian access and circulation contained within FCC 10-35. **(Condition 16)**

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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:**

- 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 submitted plans for the street turnaround within Open Space “E”. Construction drawing shall be submitted to Public Works for review and approval prior to the turnaround’s construction. **(Condition 19)**

**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.

Access easements are discussed elsewhere in the report.

**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.**

The applicant's turnaround schematic illustrates a throat length of less than 50 feet. The dimensions of the turnaround have been approved by the Fire Marshall.

Nandina Dr. is essentially one long cul-de-sac, much longer than the maximum 400 feet, and thus would require additional access onto Oak St. in its present configuration. The layout was approved under previous code which still required secondary access. Secondary access is discussed in other areas of the report.

**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.**

Nandina Dr.'s access onto Oak St. has been constructed and signed off by Public Works.

**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.**

Emergency Secondary Access is required and discussed elsewhere in the report.

- 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 development includes an improved pedestrian path to Oak St. between lots 57 & 58.

**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

Utilities and a street are already constructed in East Bank. 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.

**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 for the immediate area. In consultation with the City Engineer-of-Record, the proposed PUD will not require improvements at nearby intersections. The proposal meets these criteria.

**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.

**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.

The applicant has reconstructed the Nandina Dr. entry at the intersection at 43<sup>rd</sup> St. and Oak St. Public Works has signed off on its construction

**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 specifically be located as lots within East Bank 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 East Bank and include the location in the PUD CC&Rs. Sidewalks to be completed along and within common areas and easements shall be provided on plans submitted to Public Works for approval and constructed prior to issuance of an occupancy permit for a single family dwelling. **(Condition 17)**

- 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).**

Nandina Dr., a local street, is proposed to have one sidewalk along its east side.

- 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 Nandina Dr. right-of-ways. 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 East Bank PUD Homeowners Association.

**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 street is recorded with the county as Nandina Dr. Because no building permits for structures have been issued a name change is permitted as long as it conforms with the Pacific Northwest theme as outlined in FCC 8-2-1-1. Any proposed street name change will be required prior to application of the first building permit. **(Condition 20)**

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

The applicant coordinated with the USPS and has installed the community mail box within the East bank entrance area.

**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 street lights have been installed along Nandina Dr. FCC 10-37 applies to the application and is reviewed later in the report.

**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 property received an NPDES permit in 2006/2007 for removal of fill for construction of utility and road improvements. The applicant shall submit an application for an NPDES permit and obtain approval as necessary prior to commencing any site improvements warranting a NPDES. **(Condition 21)**

**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 East Bank with the exception of water utilities for several lot groupings as indicated by the applicant in his application materials. Additionally, 45 sewer laterals require capping. These requirements are conditioned elsewhere in the report.

#### **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 for any utilities and road or pedestrian improvements shall be approved by the Planning Director and Public Works Director prior to site disturbance or installation. **(Condition 22)**

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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 development process for the East Bank PUD. On April 28, 2008 the then property owner filed for three building permits for the first set of townhomes. In October, 2008 the building permit expired due to no activity. No applications have been filed since then for the property. Lighting within the development shall be brought up to current code. **(Condition 23)**

**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 issuance of an occupancy permit for a single family dwelling. **(Condition 23)**

**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 East Bank. The applicant shall provide this information as part of their lighting plan submittals.

- 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 prior to issuance of an occupancy permit for a single family dwelling which demonstrates that those lights will be extinguished after hours. **(Condition 23)**

- 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 installation of the modified lighting 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 23)**

- 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 within East Bank or at the entrance or in common areas shall meet the standards of FCC 10-37. **(Condition 23)**

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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 54-dwelling PUD meeting some requirements of zoning code, and with higher density and 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.

**5. Residential developers shall, in order to obtain planned unit development approval, to provide recreational area as a percentage of the required open space consistent with the amount indicated in Florence City Code. The recreation area shall satisfy one or more recreational needs identified in the latest Florence Parks and Recreation Master Plan.**

The applicant did not provide any plans to support this policy. The approval includes a condition to do so.

**10. Single family residential uses (including manufactured homes) shall be located in low and medium density residential areas, and shall be discouraged from high density residential areas to protect that land for the intended uses.**

The property was rezoned from Medium Density to High Density in 2003 to allow for development in conformance with their revised PUD. The applicant in keeping with the intent of the High Density designation is proposing a density of 7.3 units per acre which is greater than Medium Density's 6.7 units per acre. Golf course fronting property is not going to be developed with typical high density development such as work force housing.

**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 proposed outside that proposed in the Open Space Plan 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 residential lots also prevents the spread of invasive species such as scotch broom and gorse.

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## **CHAPTER 5: OPEN SPACES AND SCENIC, HISTORIC, AND NATURAL RESOURCES**

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**1. For the purpose of land planning and initial wetland and riparian identification within the Florence Urban Growth Boundary (UGB), the City and Lane County shall rely on the 2013 Florence Local Wetland and Riparian Area Inventory (2013 Inventory), approved by the Oregon Division of State Lands, and as amended hereafter. The 2013 Inventory within the Florence UGB, as amended, is adopted as part of this Comprehensive Plan and is physically located in Appendix 5.**

**3. In accordance with ORS 215.418, the City and County shall notify DSL when wetlands are present on a property that is subject to a local land use or building permit approval. The City shall notify DSL when riparian areas are present on a property that is subject to a local land use or building permit approval.**

**4. The City and County shall consider formal wetland delineation reports approved by the Oregon Department of State lands as a valid source of wetland information specific to a land use action or limited land use action. Such reports, if approved by DSL, will be incorporated by reference into the City's 2013 Florence Area Local Wetlands and Riparian Inventory.**

**8. The City shall encourage restoration and protection of privately-owned wetlands and riparian areas through Code incentives, and, as resources allow, through education and partnership with the Siuslaw Watershed Council and the Siuslaw Soil and Water Conservation District.**

Determination of findings regarding the wetlands on the site were derived from the 2013 Local Wetland Inventory. DSL was sent notification of the land use action. The formal delineation submitted for the 2007 approval expired after 5 years. This approval includes a condition for wetland determination and possible delineation as required by DSL. The Siuslaw Watershed Council may be able to assist the property owner in selecting suitable plants for the wetland construction areas.

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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 Yaquina soils as identified by Map C, Appendix 7 of the Comprehensive Plan and wetlands as found on the local wetlands inventory map of 2013. A Storm Water Management Plan was engineered in and improvements constructed in 2007 to address the movement of storm water throughout and through the site to the south. Extensive soils investigation was conducted in the study and the detention areas engineered to accept flows.

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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 effects 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 Stormwater Management system has been installed and approved by the city. The above criteria are new since the stormwater plan was approved. The stormwater system is a private system and shall be maintained by the East Bank PUD Homeowners system.

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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**

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Staff finds that the proposed application meets the requirements of City Code with the and recommends approval with the following conditions:

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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" Applicant Submittal
- "D" Applicant Letter
- "E" Site Plan
- "F" Traffic Impact Analysis
- "G" Proposed Turnaround
- "H" Utility Changes
- "K" Landscaping Plan
- "M" Tree Preservation Plan

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.** Temporary RV use is allowed for contractors and their subs during development of their phase of construction for which they have been issued building, electrical or public works development permits.
- 4.** Building coverage is limited to 50% consistent with the PUD code and a maximum impervious coverage of 65% per lot grouping consistent with the zoning code.
- 5.** The applicant will continue to work with Public Works to resolve utility needs and issues related to underground utilities.



6. The applicant shall revise the subdivision plat to identify Lots 1 & 2 as Open Space.
7. A recreational use plan identifying the sq. ft. and the amenities of proposed recreation open space areas shall be submitted for review and approval and improvements installed prior to issuance of an occupancy permit for a single family dwelling.
8. The remaining improvements to include Recreational uses, pedestrian path and turn-around must be completed prior to prior to issuance of an occupancy permit for a single family dwelling. If they are not they 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..
9. 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.
10. Plans for pedestrian improvement between Lots 40 & 41 shall be submitted to Public Works for review and approval and then constructed in accordance with City design standards in FCC 10-35 or by direction of the Public Works Director prior to issuance of an occupancy permit for a single family dwelling.
11. Prior to issuance of an occupancy permit for any residence or show home, the applicant shall create 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 for the protection and maintenance of property, buildings, structures, and the common open spaces that is acceptable to the Planning Commission as providing for the continuing care of the above.
12. Either the Sandpines Golf Course gates must be altered to permit thru access during an emergency or a secondary vehicular access must be provided onto Oak St. Access easements and maintenance agreements shall be coordinated with the adjoining property owners of the golf course as needed for the secondary access.
13. Updates as needed to the tree preservation and landscape plans shall be provided to the Planning Department prior to application of a building permit.
14. The proposed CCR's shall be amended to permit 15' house setbacks and 20' garage setbacks along the west side of Nandina and 23' house and garage setbacks along the east side of Nandina.
15. 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.

16. If Open Spaces B or C are included in the plan to meet the PUD 25% recreational development requirement then pedestrian access shall be included and developed in accordance with 10-35-3 in the existing drainage easements or other suitable locations (such as thru Open Space H). Pedestrian walkways within East Bank leading to Open Space areas shall meet the requirements for pedestrian access and circulation contained within FCC 10-35.
17. The applicant shall submit sidewalk construction plans to Public Works for approval. Sidewalks shall be constructed for the PUD 43rd St. entrance, and along all street facing common open spaces on the east side of Nandina Dr. prior to issuance of an occupancy permit for a single family dwelling.
18. Each residence built within East Bank shall be required to have an entry walkway leading to the front door.
19. Pedestrian walkways within East Bank leading to Open Space areas shall meet the requirements for pedestrian access and circulation contained within FCC 10-35.
20. Any proposed street name change will be required prior to application of the first building permit.
21. The applicant shall submit an application for an NPDES permit and obtain approval as necessary prior to commencing any site improvements warranting a NPDES.
22. Easements and construction plans for any utilities and road or pedestrian improvements shall be approved by the Planning Director and Public Works Director prior to site disturbance or installation..
23. Lighting within the development shall be brought up to current code. 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 issuance of an occupancy permit for a single family dwelling. The applicant shall submit landscape lighting information prior to prior to issuance of an occupancy permit for a single family dwelling which demonstrates that those lights will be extinguished after hours. The applicant shall be subject to a 30-day review period following the installation of the modified lighting 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. Any lighting for signage within East Bank or at the entrance or in common areas shall meet the standards of FCC 10-37.
24. Prior to any development or site disturbance on lots with probable wetlands the applicant shall request a wetland determination from the Department of State Lands. If the determination reveals that wetlands are likely, a wetland delineation must be submitted to the Department of State Lands for review and concurrence prior to permit application for affected property.

## IX. EXHIBITS

"A" Findings of Fact
"B" Land Use Application
"C" Applicant Submittal
"D" Applicant Letter
"E" Site Plan
"F" Traffic Impact Analysis
"G" Proposed Turnaround
"H" Utility Changes
"I" TIA Review
"J" 2006 Wetlands Concurrence
"K" Landscaping Plan
"L" Resolution PUD 05 05
"M" Tree Preservation Plan
"N" Resolution PC 07 24 SFP 02
"O" Table of Lots