

EXHIBIT B



City of Florence
Community Development Department
250 Highway 101
Florence, OR 97439
Phone: (541) 997-8237
Fax: (541) 997-4109
www.ci.florence.or.us

Type of Request

- Preliminary Planned Unit Development (PUD) (Florence City Code Title 10, Ch-23)
- Tentative Subdivision Plan (Florence City Code Title 11, Ch-1, 3, 5 & 7)
- Modification to requirements (Title 10, Chapter 36 or Title 11)

Applicant Information

Name: William Johnson Construction Inc. c/o Mike Johnson Phone 1: [REDACTED]
E-mail Address: [REDACTED] Phone 2: [REDACTED]
Address: William Johnson Construction Inc, [REDACTED] Florence OR 97439
Signature: [Handwritten Signature] Date: 12-1-2022
Applicant's Representative (if any): Hailey Sheldon, Sheldon Planning, hailey@sheldonplanning.com, (541) 958-4686

Property Owner Information

Name: David J Bielenberg Phone 1: [REDACTED]
E-mail Address: [REDACTED] Phone 2: [REDACTED]
Address: [REDACTED]
Signature: [Handwritten Signature] Date: 12/1/2022
Applicant's Representative (if any): Hailey Sheldon, Sheldon Planning, hailey@sheldonplanning.com, (541) 958-4686

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

For Office Use Only:

Received	Reviewed	Excluded

Property Description

Assessor's Map No.: 18 - 12 - 22 - 11 Tax lot(s): 01200, 0200

Zoning District(s): High Density Residential

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map (FCC 10-1-1-4-B-3): See Attachment 2 Vicinity Maps

Project Description

Lot Size: TL1200: 3.13 Acres / TL200: 0.21 Acres Number of single family lots proposed: 25

Proposed Building Coverage if a PUD: 31% building; 55% impervious

Is any project phasing anticipated? (Check One): Yes No

Timetable of proposed improvements: 2 Years

Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)

See attached

For Office Use Only:

Date Submitted: December 02 2022 Fee: \$ 11,719.77
Received by: Clare K

Paid
12/02/2022
\$ 11,719.77

Applicant	Mike Johnson
Owner	David Bielenberg
Agents	Civil Engineer: Clint Beecroft, P.E., EGR & Associates Inc. Contractor: Norm Wells, Ray Wells Inc. Planner: Hailey Sheldon, Sheldon Planning LLC
Site Address	37 th & Oak
Map No.	18S 12W 22
Parcel No.	1200 & 200
Lane County Account No.	783785 & 1327210
Size	3.13 & 0.21 Acres
Zoning	High Density Residential
Special Development Considerations and Overlays	Flood Hazard: N/A NRCS Soils Map: Yaquina loamy fine sand City of Florence Significant Wetland Areas Map: None City of Florence Hazards Map: Active Dune Advancing Edge; Creeks* National Wetland Inventory: Riverine* / Statewide Wetland Inventory: Riverine* *See Attachment 3 Wetland Delineation – No Wetland or Creeks Present
Access	37 th Street
Site Description	Vacant
Surrounding Zoning & Use	Residential, City Water Tanks, Florence Golf Links; See Attachment 2 Vicinity Maps

OVERVIEW

This application is for preliminary approval of a planned unit development of 25 townhomes. The development is proposed to be similar to Oak Street Commons – a PUD on 35th and Oak, constructed by this same development team between 2019 and 2021.

The PUD will consist of:

- 25 townhomes: four 4-plexes, one 3-plex, one 2-plex
- Each townhome will be situated on an individual lot
- Each lot/townhome will be individually owned
- Each lot/townhome will include a garage and driveway (2 off-street parking spaces) and a back porch/yard.
- An access and circulation area between the townhomes and the street. This commonly-owned area will house the developments stormwater facilities and provide 13 additional off-street parking spaces.
- No development is proposed on the vegetated hill between the PUD and the City’s water tanks / Florence Golf Links parking lot, to the west.

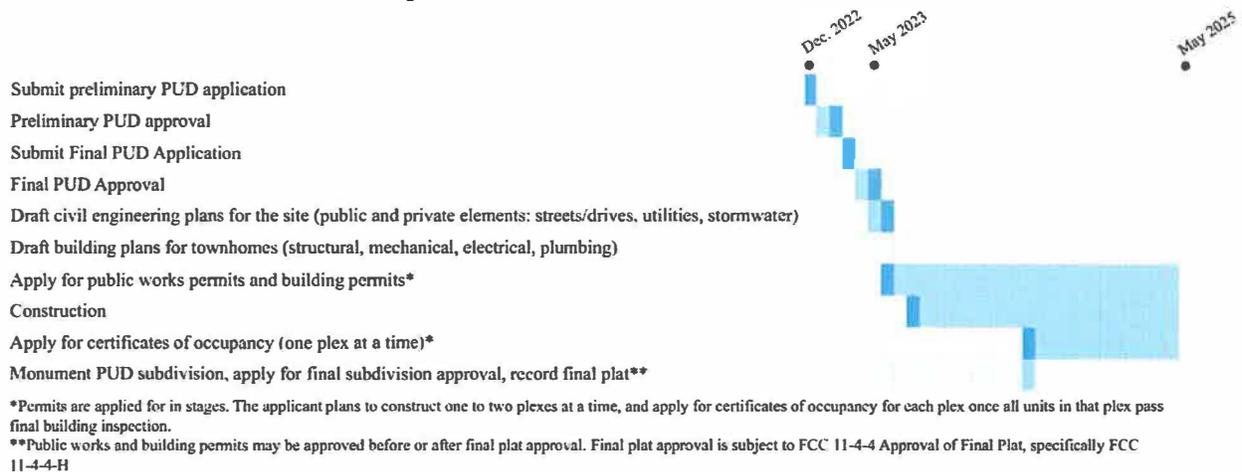
This development proposal also includes:

1. The construction and dedication of public street and utilities to serve the PUD, built to the specifications of the [City of Florence Standard Drawings](#). This includes:
 - a. Sanitary sewer and water main under 37th Street
 - b. Sanitary sewer and water service connections to at least the property line of each of the 25 lots
 - c. 37th Street
 - d. Stub of future East Myrtle Loop

Timeline

The development is proposed to be constructed within 2 years of final PUD approval, with an option for two extensions of 12 months each, as provided for in FCC 11-3-6 [Subdivision] Tentative Plan Effective Date and FCC 10-23-14(A) Expiration of Approval for a PUD.

The overall timeline for the development is:



This is not a phased development – it will occur over a 2-year timeline, which is a compressed timeline for a development of this size.

The applicant proposes the same permitting and construction timeline as Oak Street Commons:

The applicant will construct the majority of public and common improvements, and bond the remainder, following the procedure outlined in FCC 11-4-4.

The applicant will then apply for final plat approval, record the final plat, and begin selling individual lots/townhomes within the development (as a method of financing the development).

One to two plexes will be constructed at a time. The plexes may pass final inspection and be issued Certificates of Occupancy – and occupied – prior to the completion of the development, at City officials’ discretion, except that the Certificates for the final plex may not be issued until all improvements required and as a condition of tentative plan approval have been completed by the developer. Once the development is completed and 100% occupied, it will be turned over to an HOA or similar entity.

This is the process used to develop Oak Street Commons.

Use

These dwellings can be described as “middle housing” (meaning middle-income housing).

The proposed use (single-unit aka single-family, individually owned, high density townhomes) meet needs described in the 2017 Florence Housing Needs Analysis and Economic Opportunities Analysis.

> *2017 Florence Housing Needs Analysis and Economic Opportunities Analysis: Section 1. Summary: Housing Opportunities*

Under the recommended scenario, Florence should plan for 1,624 net new dwelling units over the next 20 years. This net new housing need is expected to consist of: 764 owner-occupied dwellings, 597 renter-occupied dwellings and 263 short-term rental units.

[...]

The planned net new housing mix over the next 20 years would consist of: 858 single-family detached homes, 145 manufactured housing units, 265 townhomes/duplexes, 357 multifamily housing units, and 40+/- special needs housing units. The amount of required land area to accommodate this level of housing development is expected to be approximately 231 acres (gross buildable land area).

Subject property is zoned for high density development and the applicant is proposing a plan which will help fulfill the articulated need for 265 townhomes and the demand for 764 owner-occupied dwellings.

Subject property has development constraints. There is a vegetated hill on the west side of the property (adjacent to the City's water tanks and the entrance to the Florence Golf Links parking lot). The applicant is avoiding this natural feature with their design, which is preferred by the City's development code, which prioritizes screening, the protection of native vegetation, and ground stability.

ATTACHMENTS

The following supporting documents are attached and available electronically at:

<https://www.dropbox.com/scl/fo/95blxexq3hhtj4lai9r6b/h?dl=0&rlkev=xabni19x2kecalqx86vsu2hmv>

1. Tentative Plan
 - Sheet 1: Tentative Subdivision Plat
 - Sheet 2: Street and Utility Plan
 - Sheet 3: Access and Parking Plan
 - Sheet 4: Drainage and Grading Plan
 - Sheet 5: Existing Conditions
2. Vicinity Maps
3. Wetland Delineation
4. Deed
5. Phase 1 Site Investigation Report
6. Stormwater Management Report
7. Template Structural Plans (Oak Street Commons)
8. Template CCRs (Oak Street Commons)

NARRATIVE

The narrative below describes the proposal's compliance with the City of Florence's municipal code. Code standards are indented and in grey.

Planned Unit Development Standards

Title 10: Chapter 23: Planned Unit Development (PUD): 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:

2. Triplexes, quadplexes and multiple-family dwellings

This proposal is for 4 quadplexes and 1 triplex.

Title 10: Chapter 23: Planned Unit Development (PUD):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.

This application is for preliminary approval.

Title 10: Chapter 23: Planned Unit Development (PUD): 10-23-10: Preliminary Approval

The Planning Commission shall hold a public hearing, and any continuance thereof, to discuss the PUD proposal. The public hearing shall not be held until the complete information listed below has been available for review by the Planning Commission's staff for at least thirty (30) days.

Preliminary Development Plan: A preliminary development plan shall be prepared and shall include the following information:

1. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
2. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open spaces around buildings and structures, excepting private single-family lots in a residential PUD.
4. Elevation and perspective drawings of proposed structures.

The tentative PUD subdivision plan set is comprised of five sheets: (1) the tentative plat, (2) tentative street and utility plan, (3) tentative access and parking plan, (4) tentative drainage and grading plan, and (5) existing conditions.

These sheets contain the information required by 10-23-10 Preliminary Approval, 1 through 3.

Perspective drawings of proposed structures are included in Attachment 7; the 4-plexes are proposed to be identical to Oak Street Commons and the 3-plex and 2-plex similar.

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.

See the proposed development schedule above, which meets this standard.

- 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.

Attachment 8 contains the Covenants, Conditions, and Restrictions for Oak Street Commons, which is an approximate template of the future CCRs for the Myrtle Glen PUD. The applicant understands that the final CCRs are required to be submitted with the final plat, as described in FCC 11-4-2 Partition and Subdivision Final Plat Requirements.

- 7. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking and landscaping.
 - a. An off-street parking and loading plan.
 - b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern shall be shown.

Attachment 1 Sheet 3 contains these access, circulation, and parking plans.

- c. A landscaping and tree plan.

The applicant plans to limit landscaping of the PUD to the stormwater swales. These swales cover a significant amount of the development's street frontage, and combined with the already vegetated land to the north and west (which is proposed to remain in place), the development will be well vegetated and screened.

The applicant's stormwater planting plans will be drawn to the specifications of City of Florence Standard Drawings, the City of Florence Stormwater Design Manual, and pass inspection by Public Works. The applicant proposes to submit these stormwater planting plans along with their final stormwater facilities plans, to the Building and Public Works Departments for review and approval prior to construction.

Title 10: Chapter 23: Planned Unit Development (PUD): 10-23-4: General Criteria

Applicant must demonstrate that the development conforms to all the following criteria:

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

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

The proposed development meets these standards, as described in the narrative below under the standards for tentative subdivision approval and development in the High Density Residential Zone.

Title 10: Chapter 23: Planned Unit Development (PUD): 10-23-5: Development Standards

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

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

Subject property is 3.3 acres.

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

The tentative plan meets the setback standards for the High Density Residential Zone.

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

The tentative plan exceeds the City's parking requirement – providing the required 2 off street parking spaces on each lot plus an additional 13 in the common area.

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

The tentative plan complies with this underground utilities requirement.

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

Public dedication for use by public in general, and/or

Property owned by the Home Owners Association (or other legal entity) for use by residents of the development.

The recreation area may provide for passive and/or active recreational activities.

The tentative plan proposes to leave in place (a) the approximately half-acre vegetated hill to the west and (2) the strip of dense trees / brush to the north – these will buffer its north and west sides, and represent about 15% of subject property.¹

¹ TL 1200 = 3.13 Acres. TL 200 = 0.21 Acres. Vegetated Area = approximately 0.5 Acres. 15% = 0.5/(3.13+0.21)

The tentative plan includes a backyard porch area on each townhome.²

The tentative plan does not include recreational open space.

[...]

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 2011 Florence Parks and Recreation Master Plan Figure 7.1 Proposed Park Resources in UGB does not include a “Proposed Park” in the vicinity of subject property.

Figure 4.4 Community Park Service Areas and Figure 4.5 Mini & Neighborhood Park Service Areas does include a portion of subject property in “Residential Areas Under-Served by Community Parks” – but subject property is on the boundary, with a portion of it inside the “Existing Neighborhood Park Service Area.”

And we think that the development provides sufficient open space to achieve the livability and aesthetic goals of Florence’s open space code. We also think that the development – in (1) providing for adequate access and circulation space, parking, stormwater controls, (2) avoiding the vegetated hillside to the west, (3) achieving relatively high density, and (4) middle housing home ownership opportunity – combine to meet the spirit of Florence’s PUD and subdivision standards. This is discussed in detail in the narrative under Variances, below.

[...]

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

The proposed development meets this natural resource protection standard as described in the narrative under Chapter 7 Special Development Standards.

H. The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5.

For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:

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

² While we understand backyards are not considered open space or recreational open space under FCC 10-23-5-4-g, we think they’re important to note because they provide outdoor recreational space for the individual homeowners, which is one of many goals of Florence’s open space standards.

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

See the narrative below under **Variances**. The proposed development deviates in three ways from the standards of the High Density Residential Zone – all in order to achieve natural resource protection, where identified as part of a preliminary site investigation report (in other words: not developing the vegetated hillside on the west side of subject property).

Title 10: Chapter 23: Planned Unit Development (PUD): 10-23-6: Dedication And Maintenance of Facilities

The City may require that space be set aside, improved, conveyed or dedicated for the following uses:

- A. Easement necessary to accommodate existing or proposed public utilities.
- B. Streets, bikeways and pedestrian paths necessary for the proper development of either the PUD or adjacent properties.
- C. Common open space, recreation facilities, parks and playgrounds necessary and appropriate for the owners, residents, patrons and employees of the PUD. Maintenance, repair, insurance and related obligations are the responsibility of either:
 1. The developer; or
 2. An association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

Attachment 1 Sheet 1 depicts easements and dedications. Of note:

37th Street Dedication: 37th Street is designated a Local Street in the Florence 2012 Transportation System Plan. As such, 60’ of right of way is proposed to be dedicated and the street is proposed to be constructed to the Florence standard: Local Street (Parking Both Sides).

Two 5’ Public Utilities and Sidewalk Easements on Either Side of 37th Street: the applicant’s street design (depicted on Attachment 1 Sheet 2, contains a planter-style stormwater facility on one side of the street and a swale style facility on the other.³ In order to fit all of these elements (the typical stormwater swale width is 16’), the applicant has added a 5’ easement on either side of the ROW. The public sidewalks will be constructed within this easement. If this City desires a dedication as opposed to an easement, the applicant will dedicate a 70’ ROW.

East Myrtle Stub Dedication: a 10’x60’ section of E Myrtle Loop is proposed to be dedicated to the City and constructed to City standard, facilitating the future development of TL 1100 (by the applicant or a future property owner).

³ We don’t consider this a variance from the standard contained in 10-36-2-5: Rights-of-Way and Street Section: “Local Street (Parking Both Sides),” as all elements of the standard are provided (travel lanes, parking lanes, two sidewalks). And because the text under the figure states “Optional landscape width and location may vary and is to be determined based on physical and built environment.” In this case, two landscape strips / stormwater management facilities facilitate improved stormwater management.

Emergency Turnaround Easement: a 36' x 32' easement is proposed for the emergency turnaround. An easement is proposed instead of a dedication, because it will provide the future developer of TL 1100 with more flexibility to design access to TL 1100.

Subdivision Standards

This proposal includes the subdivision of TLs 1200 and 200, into 25 lots, plus a 2.53 acre common space. The narrative below describes how the this proposal can meet the Title 11 Subdivision Regulations.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure: 11-3-1: Tentative Plan Requirements

A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.

B. Drafting: The tentative plan shall be submitted in both hard copy and electronic format and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (1) of any one of these scales.

Tentative plans for subdivisions shall be proposed by a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor. An affidavit of the services of said engineer or land surveyor shall be furnished as part of the tentative plan submitted.

Tentative PUD subdivision plans were prepared by Brent W Corning, Oregon Registered Professional Land Surveyor. Their stamp on the attached preliminary plans serves as their affidavit of services.

C. Information Required: The application itself or the tentative plan must contain the following information with respect to the subject area:

1. Name and block numbering of proposed subdivision. Except for the words, "town", "city", "plat", "court", "addition" or similar words, the name shall be clearly pronounced different than the name of any other subdivision in the County unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.

2. The date, north point and scale of the drawing; a sufficient description to define the location and boundaries of the proposed subdivision area; and the names of all recorded subdivisions contiguous to such area.

3. The names and addresses of the owner and engineer or surveyor.

4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.

5. The locations, names and widths of all existing and proposed streets and roads. Said roads and streets shall be laid out so as to conform to subdivisions previously approved for adjoining property as to width, general direction and in other respects unless it is found in the public interest to modify the street or road pattern.

6. Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.

7. The elevations of all points used to determine contours shall be indicated on the tentative plan and said points shall be given to true elevation above mean sea level as determined by the City.

The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%

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

The PUD tentative subdivision plan set is comprised of five sheets: (1) the tentative plat, (2) tentative street and utility plan, (3) tentative access and parking plan, (4) tentative drainage and grading plan, and (5) existing conditions.

These sheets contain the information required by 11-3-1-C Tentative Plan Requirements, Information Required.

Attachment 4 Deed contains a legal description and drawing of the boundaries of the entire area owned by the applicant, of which the proposed subdivision is a part.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure: 11-3-2: Approval of Tentative Subdivision

[...]

A. When the division of land results in remaining lots that are equal to or greater than twice the minimum lot size of the base zone, the application shall label it as a "Tract" and reserve it for open space as applicable or indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code. In either scenario the tract(s) or future lot layout shall not interfere with the orderly extension of adjacent streets, bicycle paths, and accessways.

1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.

No remaining lots will result from the subdivision plan.

B. All proposed lots comply with the development standards of the base zone.

See narrative under Title 10: Chapter 10: Residential Districts: 10-10-4: Lot and Yard Provisions and the section Variances.

C. Adequate public facilities are available or can be provided to serve the proposed parcels.

The applicant is proposing to extend and dedicate City infrastructure (street, water, and sanitary sewer) inside the 35th Street right of way. Preliminary infrastructure plans are included in Attachment 1 Preliminary Plans Sheet 2.

All infrastructure will be built to Florence Public Works Standard Drawings.

The general contractor constructing these elements is Norm Wells; Mr. Wells is a local contractor experienced in constructing City infrastructure.

D. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan.

The proposed development meets this standard. See narrative above under Title 10: Chapter 23: Planned Unit Development (PUD): 10-23-6: Dedication and Maintenance of Facilities.

E. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes including ORS Chapter 92, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

The tentative plan complies with these provisions. See the narrative under Overview: Use, above.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure: 11-3-8: Phased Subdivision Tentative Plan

Not applicable. No phasing is proposed.

Title 11: Chapter 5: Platting and Mapping Standards: 11-5-2: Lots and Parcels

A. Size and Frontage:

1. General Requirements: Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.

2. Area: Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. [...]

3. Frontage: Each lot shall have frontage upon a street of not less than the required minimum lot width for the underlying zone and development type, except that a lot with a required minimum

width of fifty feet (50') located on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty five feet (35') upon a street, measured on the arc. Where either a public water supply or public sewers are not presently provided, the lot frontage shall be sufficient to insure an adequate sized lot to meet State and County requirements.

[...]

Zoning Standards

The tentative plan meets the standards of the High Density Residential Zone, with the exceptions described under Variances.

Title 10: Chapter 10: Residential Districts: 10-10-2: Residential Uses

A. Table 10-10-2-A [Abbreviated]

Uses	HDR
Single-family attached dwelling	P

The proposed use is permitted outright in the zone.

Title 10: Chapter 10: Residential Districts: 10-10-4: Lot and Yard Provisions

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

	HDR	
Type	Width	Depth
Single-family attached dwelling or duet (single unit)	25 ft.	80 ft.

Lots 1-22: proposed width = 18.75 ft, depth = 98 ft
 Lots 23-25: proposed width = 18.75 ft, depth = 86 ft

This lot dimension varies from the standard, as described in the narrative under Variances, below.

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

Development Type	HDR
Single-family attached dwelling	2,000 sq. ft.

Lots 1-22: proposed area: 1,837.50 sf
 Lots 23-25: proposed area: 1,612.50 sf

This lot area varies from the standard, as described in the narrative under Variances, below.

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

	HDR
Maximum building coverage	75%
Maximum coverage by all impervious surfaces	85%

The proposed building and impervious surface coverage is shown in the table below.

This building and impervious surface coverage varies from the standard, as described in the narrative under Variances, below.

Lot	Building Coverage (sf)	Impervious Coverage (sf)	Size (sf)	Building Coverage %	Total Impervious %
1	1421	1781	1837.5	77%	97%
2	1437	1781	1837.5	78%	97%
3	1437	1781	1837.5	78%	97%
4	1421	1781	1837.5	77%	97%
5	1421	1781	1837.5	77%	97%
6	1437	1781	1837.5	78%	97%
7	1437	1781	1837.5	78%	97%
8	1421	1781	1837.5	77%	97%
9	1421	1781	1837.5	77%	97%
10	1437	1781	1837.5	78%	97%
11	1437	1781	1837.5	78%	97%
12	1421	1781	1837.5	77%	97%
13	1421	1781	1837.5	77%	97%
14	1437	1781	1837.5	78%	97%
15	1437	1781	1837.5	78%	97%
16	1421	1781	1837.5	77%	97%
17	1421	1781	1837.5	77%	97%
18	1437	1781	1837.5	78%	97%
19	1437	1781	1837.5	78%	97%
20	1421	1781	1837.5	77%	97%
21	1421	1781	1837.5	77%	97%
22	1437	1781	1837.5	78%	97%
23	1196	1556	1612.5	74%	96%
24	1196	1556	1612.5	74%	96%
25	1212	1556	1612.5	75%	96%

Total building coverage (excluding 37th Street right of way) = 31%. Total impervious surface coverage (excluding 37th Street right of way) = 55%⁴

⁴ TL 1200 ~ 136,343 sf. TL 200 ~ 9,010 sf. 37th Street ROW ~ 28,606. (136343+9010)-28606=116747sf. Building coverage = 36,634 sf. Impervious coverage (excluding ROW) = 64,718 sf. 36634/116747=31.4% building coverage. 64718/116747=55.4% impervious coverage.

D. Yard Regulations: Table 10-10-4-D. Minimum Setbacks and Yard Regulations [Abbreviated]

Front	
Primary	5 ft.
Garage or Carport vehicular entrance wall	20 ft.
Side	
Primary ²	5 ft.
Parking Lot, Garage or Carport	5 ft.
Garage or Carport vehicular entrance wall	20 ft.
Rear	
Primary	5 ft.
Parking Lot, Garage or Carport	10 ft.
Garage or Carport vehicular entrance wall	20 ft.
² Minimum side setbacks may be reduced to zero feet (0') for attached primary structures where they share a common wall with a structure on an adjacent lot.	
³ For a corner lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner" both lot or parcel lines are the front line. The sum of these setbacks shall not fall below the sum of the minimum front and side yard requirements for primary building and no setback shall be below the minimum primary side yard requirement for the district.	

The proposed development meets these setback standards, as follows:

- Garage: 20 ft minimum
- Front: 20 ft minimum
- Side of attached primary structure: 0'
- Side of non-attached primary structures: 10'
- Rear: 5' (unenclosed porch will be built into rear setback)

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

	HDR
Minimum net density ⁵ (units/acre)	12
Maximum average net density (units/acre)	25

Proposed density = 9.33 units per acre.⁶

This proposed density varies from the standard, as described in the narrative under Variances, below.

⁵ Density, Net: The number of dwelling units per acre of land, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and other public facilities. (Title 10: Chapter 2: General Zoning Provisions: 10-2-13 Definitions)

⁶ TL 1200 = 3.13 acres. TL 200 = 0.21 acres. 37th Street ROW = 0.66 acres.

(3.13+0.21)-0.66=2.68 net acres

25 units / 2.68 acres = 9.33 units per net acre (net density)

VariANCES

The development plan varies in the following ways from the standards of the Florence High Density Residential Zone.

Density & Lot Size

#	Code	Applies to	Standard	Proposed	% Varies
1	10-10-4: Lot and Yard Provisions: A. Table 10-10-4-A Minimum Lot Dimensions by Development Type	Minimum lot width for single-family attached dwelling	25'	18.75'	25%
2	10-10-4: Lot and Yard Provisions: B. Table 10-10-4-B Minimum Lot Area by Development Type	Minimum lot area for single-family attached dwelling	2,000 sf	1-22: 1,837.5 sf 23-25: 1,612.5 sf	1-22: 8% 23-25: 19%
3	10-10-4: Lot and Yard Provisions: E. Residential Density Standards	Minimum net density	12 units per acre	9.33 units per acre	22%
4	11-5-2: Lots and Parcels: 3. Frontage	Minimum street frontage for single-family attached dwelling	25'	18.75	25%

These variance requests are necessary to simultaneously: (a) avoid the vegetated hill to the west, (2) achieve the high density purpose of the zone, and (3) provide the parking area for vehicle access and circulation meeting the standards of Chapter 35 Access and Circulation. Simultaneously meeting these standards would cause hardship to the development. An illustration of this Catch-22:

- Widening the lots from 18.75 to 25' would require either (a) fewer lots or (b) developing the vegetated hill.
- Increasing the overall lot area to 2,000 square feet would require either (a) fewer lots (b) developing the vegetated hill, or (c) removing the shared parking and circulation area.
- Fronting the lots on 37th Street (and therefore providing a minimum 25' of street frontage) would require (c) removing the common parking and circulation area.

Negative impacts to those remedies:

- a) Fewer lots: reduces density. High density is the purpose of the zone.
- b) Developing vegetated hill: This would compromise this stabilized, vegetated area. It may require man-made retention. And it would remove the buffer between the development and the City's water tanks and the entrance to the golf course.
- c) Removing shared parking area: the inclusion of the common parking and circulation area is more in-line with purpose of Chapter 35 Access and Circulation (ensuring that developments provide safe, adequate, cost effective, efficient access and circulation for pedestrians, bicycles and vehicles) than the alternative: 25 ten-foot wide driveways, spaced 6-7 feet apart, entering

a public street (or even 12 shared driveways).⁷

Variance to these standards would not be contrary to the purpose of Titles 10 or 11.

The proposed PUD subdivision configuration facilitates meeting the City’s stormwater standards, access and circulation standards, and special development standards – while achieving 77% of the high density envisioned for the zone and helping to fulfill the City’s articulated need for 265 townhomes and 764 owner-occupied dwellings.

*Note: if the approximately 0.5 acre vegetated hill to the west were subtracted from the net developable area, the subdivision in its existing configuration would meet the density standard.*⁸

Individual Lot Coverage

The applicant is also requesting less impervious surface and building coverage *on each individual lot* than is standard for a single family home in the high density residential zone. We’re not sure this actually rises to the level of a variance – as the overall development contains less than 75% building coverage and less than 85% impervious surface coverage (31% and 55%, respectively).

#	Code	Applies to	Standard	Proposed	% Varies
5	10-10-4: Lot and Yard Provisions: C. Lot Coverage	Maximum building coverage	75%	75%	1-22: 77-78%
6	10-10-4: Lot and Yard Provisions: C. Lot Coverage	Maximum impervious surface coverage	85%	85%	96-97%

Other Development Standards

The remainder of this narrative describes how the applicant’s proposal meets or can meet Florence’s development codes for parking, access and circulation, protection of natural resources and avoidance of natural hazards.

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-3 Minimum Standards by Use

The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. [...]

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

[...]

⁷ 10-35-2-7 *Intersection Separation; Backing onto Public Streets* exempts “single-family and duplex dwellings” from the prohibition on backing on to public streets – but the parking code assumes that those single family dwellings are detached. In this case, the dwellings are single family in the sense that they are owner-occupied. But their physical configuration – which is what the parking code cares about – is a 4-plex (or 3 or 2-plex). The access and circulation code isn’t specific to plexes in this configuration. But the (related) parking code is. And it puts 4-plexes and 3-plexes in the same category as apartments.

⁸ TL 1200 = 3.13 acres. TL 200 = 0.21 acres. 37th Street ROW = 0.66 acres. Vegetated hill ~ 0.5 acres.

$(3.13+0.21)-(0.66+0.5)=2.09$ net acres

25 units / 2.09 acres = 11.96 units per net acre (net density)

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-4 Minimum Required Parking by Use

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

A. Residential and Commercial Dwelling Types:

Single Family Dwelling including attached and detached dwellings and manufactured homes: 2 spaces per dwelling unit on a single lot

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-5 Vehicle Parking – Minimum Accessible Parking

[...]

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-8 Parking Area Improvement Standards

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

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

1. A carport or garage, unless the majority of existing dwellings within 100 feet of the property boundary of the proposed development do not have such covered parking facilities. The number of required covered parking spaces shall be based on the predominant number of covered spaces on the majority of lots within the 100 foot radius. Parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments (such as water heaters, steps, door swings) are allowed into the required parking spaces.

2. One parking space per unit may be provided on a driveway if the following criteria are met:

a. Driveway spaces shall measure at least nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments are allowed into the required parking spaces.

b. Driveway spaces shall not extend into the public right-of-way.

c. The number of parking spaces provided as a carport or garage shall not fall below one (1) space per unit.

3. Off-street parking for single-family attached dwellings on the front of the building and driveway accesses in front of a dwelling are permitted in compliance with the following standards:

a. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet (12') wide on any lot.

b. The garage width shall not exceed twelve feet (12'). Garage width shall be measured based on the foremost four feet of the interior garage walls.

[...]

The applicant's parking proposal meets the standards of these sections.

The proposed lot configurations will not preclude the construction of a 10' wide, 20' deep garage and a 10' wide, 20' deep driveway on each lot. This configuration would meet the minimum parking requirement of 10-3-4 and the standards of 10-3-8, which allows for the driveway space to be counted towards required parking.

In addition: the applicant is proposing to construct the shared parking/access area as a subdivision improvement (required to be constructed or bonded prior to final plat). This parking area includes thirteen 9'6" parking spaces (including 1 ADA van accessible parking space with a minimum 96" wide access aisle).

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-10 Bicycle Parking Requirements

All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below. [...]

No shared bicycle parking area is proposed or required.

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-9 Parking Stall Design and Minimum Dimensions

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

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

Table 10-3-3 Parking Area Layout [Abbreviated]

Parking Angle	Stall Depth: Single	Aisle Width: Two Way	Stall Width	Curb Length
90	19'	23'	9.5'	9.5'

The proposed parking/access area meets these standards, with sixteen 9'6" parking spaces (including 1 ADA van accessible parking space with a minimum 96" wide access aisle) and a 23' wide, two-way drive aisle.

Title 10: Chapter 35: Access and Circulation: 10-35-2: Vehicular Access and Circulation

10-35-2-2: Applicability: Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. [...]

The applicant is proposing to:

- Construct and dedicate the extension of 37th Street, as shown below.
- Construct and dedicate the intersection of 37th and E. Myrtle Loop (street stub), as shown below
- Construct a hammer head turnaround at the end of 37th Street, as shown on the detail on Attachment 1 Sheet 3, meeting the standard of Oregon Fire Code Figure D103.1 Acceptable Alternative to 120-foot Hammerhead.
- Construct two external driveway entrances off 35th Street, and the interior two-way vehicle circulation area and parking lot, depicted on Attachment 1 Sheet 3.

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

The applicant understands that they will be required to gain a Construction Permit in Right of Way prior to beginning construction in the City's new 37th Street right of way.

10-35-2-5: Traffic Study Requirements: The City may require a traffic study prepared by an Oregon registered professional engineer with transportation expertise to determine access, circulation, and other transportation requirements in conformance with FCC 10-1-1-4-E, Traffic Impact Studies.

FCC 10-1-1-4-E-2 Criteria for Warranting a Traffic Impact Study, subsection c, requires a traffic impact study for "the addition of twenty-five (25) or more single family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual." The applicant's proposal adds 25 single family dwellings but doesn't increase traffic volume by 250 or more ADT, per the ITE Trip Generation Manual. The Institute of Transportation Engineers Trip Generation Manual 10th Edition estimates single family detached housing (ITE No. 210) to generate 9.44 daily trips – or 236 daily trips for the proposed 25 units.

No traffic impact analysis ought to be required of the applicant because their access proposal meets the City's street standards, as described in the Florence Municipal Code and the Transportation Systems Plan. A traffic impact analysis may be necessary for (a) a subdivision in an area of Florence where traffic impacts have not so far been assessed, (b) a use type not consistent with the City's zoning or comprehensive plan (like a commercial use in an area planned for residential use). But Florence's entire transportation systems plan is based on high density residential development existing on subject property and the surrounding residential area. The applicant is not requesting any variance to the street standards, so simply developing those streets in accordance with the plan should suffice to meet the goals of the access and circulation code.

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)). [...]

Separation Distance from Driveway to Pavement:

Local Street: 25 feet

Both external driveway entrances are separated at least 25 feet from the intersection of 37th and Oak Streets.

The 25 internal “driveways” do not enter a public street.

C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-family and duplex dwellings are exempt.

The proposed design prevents backing onto public streets.

10-35-2-8: Access Standards: New development shall gain access primarily from local streets. [...]

The proposed development gains access from the local 37th 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.

The proposed site plan, which includes the off-street parking and circulation area, was designed to safely accommodate expected traffic to the site.

As described in the narrative under Variances, although individual driveways on to 37th Street would be allowed for this use type (single family attached) and would get the applicant closer to meeting the *larger* lot sizes required in the HDR zone for single family attached units – the developer has opted to propose the inclusion of the access and circulation area in order to better accommodate the expected traffic on the site.

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.

The development contains two driveways to which 10-35-2-12 applies: the two driveways off of 37th Street.

The configuration of each lot also allows for a 20' deep, 10' wide driveway on each lot, leading to the shared access area.

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. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.
2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.
3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.
4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).
5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

The two, 30' wide, two-way, asphalt driveways off 37th Street meet these standards.

The 25 internal 20' deep, 10' wide driveways meet these standards.

37th Street is the fire apparatus access road for the development. Regardless, the access/parking area drive aisle could also accommodate a fire apparatus, in an emergency.

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.

The aprons on the two external driveways are proposed to meet the City of Florence Public Works standard specifications for driveway aprons.

In addition, the aprons on the proposed Myrtle Loop stub are also proposed to meet those driveway apron specifications.

No driveway aprons are required or proposed for the future private driveways serving the individual lots, as they do not bisect sidewalk or walkway.

D. Fire access lanes with turnarounds shall be provided in conformance with the Fire code. Except as waived in writing by the Fire Code Official, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed aisle width of 20 feet and turn-around area for emergency vehicles. The fire lanes shall be marked as "No Stopping/No Parking." See figure 10-35(3) for examples of fire lane turn-rounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.

The tentative plan does not allow for an exterior wall of a first story building location greater than 150 feet from 37th Street. The rear lot line of lots 1-22 are less than 150 feet from the northern edge of the 37th

Street ROW; the north side lot line of lot 23 is less than 150 feet from the northern edge of the 37th Street ROW. No fire access lane is required.

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 1/2') and eight (8) feet in height in "vision clearance areas" on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

- A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').
- B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').
- C. At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-2-13 of this Title for definition.

The tentative plan does not preclude adhering to these vision clearance standards.

Title 10: Chapter 35: Access and Circulation: 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: [...]

The applicant proposes to construct two sidewalks – one on each side of 37th Street – to City standard.

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

A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.

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

1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

4. "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.

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

3. For large parking areas with 80 or more parking spaces and depending on the layout of the parking lot, the City may require raised walkways a minimum of 5 feet wide to provide pedestrian safety.

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 multi- use paths shall conform to applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway

intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

The tentative plan includes walkways leading to the primary entrance of each single family dwelling, from the shared parking area.

The pedestrian route in / out of the subdivision is via the new 37th Street sidewalk, through the shared access/parking area. The entire access/parking area is ADA-accessible.

Title 10: Chapter 34: Landscaping: 10-34-3-1: Applicability

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

This chapter does not apply – the applicant’s proposed use is single family.

Title 10: Chapter 7: Special Development Standards: 10-7-2: Identification of Wetlands and Riparian Areas and Potential Problem Areas

At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

- A. "Hazards Map", Florence Comprehensive Plan Appendix 7.
- B. "Soils Map", Florence Comprehensive Plan Appendix 7.
- C. "Beaches and Dunes Overlay Zone." See Chapter 19 for overlay zone requirements. Where conflicts exist between that chapter and this one, the more restrictive requirements shall apply.
- D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.
- E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)

No wetland exists on subject property, as evidenced by Attachment 3 Wetland Delineation.

Subject property is composed of Yaquina loamy fine sand, a soil type described by the Florence Natural Resources Conservation Service Soils Map as unsuitable or conditionally suitable for development.

As such, Attachment 5 Phase 1 Site Investigation Report is included with this application.

Title 10: Chapter 7: Special Development Standards: 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.

A. Special Flood Hazard Area: [...]

B. River Cutbanks: [...]

C. Active Dune Advancing Edge: No building shall be permitted within one hundred feet (100') of the leading edge of an active dune, [...]

The City of Florence Hazards Map appears to indicate active dune advancing edge to the west of subject property. This area has been developed into a golf course and residential neighborhoods.

The applicant seeks to avoid the steep vegetated hill on the western side of subject property.

D. Ocean Flooding, Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).

E. Slopes Greater than Twelve Percent: For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.

No development is proposed on areas of subject property with slopes greater than 12% (see Attachment 1 Sheet 5 Existing Conditions for a contour map).

The applicant's ultimate dwelling development plan will meet the standards of Oregon Structural Specialty Code Appendix J Grading and Chapter 18 Soils and Foundations.

Furthermore, as required by subsection H, below: the applicant's development plans will be prepared by a registered engineer and approved by the City (specifically: the Public Works Director for the street and the Building Inspector for the dwelling plans).

F. Active Dune Sands: Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, [...]

No active dune is on or adjoining subject property.

G. Brallier and Heceta Soils: In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.

No Brallier or Heceta Soils are present on subject property.

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

Subject property is composed of Yaquina loamy fine sand. The applicant understands that their development plans must be prepared by a registered engineer and approved by the City (specifically: the Public Works Director and the Building Inspector, as applicable).

Title 10: Chapter 7: Special Development Standards: 10-7-6: Site Investigation Reports (SIR)

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

1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or
2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)

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

[...]

See Attachment 5 Phase 1 Site Investigation Report and Attachment 3 Wetland Delineation.

The applicant requests that the Phase 2 Site Investigation report be waived under 10-7-6-A-2, above, as:

(1) The problem (the Yaquina loamy fine sand) can be adequately protected through provisions of the Building Code. Specifically: Oregon Structural Specialty Code Appendix J Grading and Chapter 18 Soils and Foundations.

(2) Florence's code requires that the applicant's development plans be prepared by a registered engineer and approved by the City (specifically: the Public Works Director and the Building Inspector, as applicable).

(3) No development is proposed in areas with existing slopes greater than 12%.

Given these mitigating measures, no Phase 2 Site Investigation Report is warranted, as it would be a duplicative effort. Per normal means, the development impacts and proposed design (the applicable sections of the Phase 2 Site Investigation report – sections I and J, respectively) will be assessed by the applicant's engineer and reviewed by the City's Public Works and Building Inspector, as applicable.