

**STAFF REPORT & FINDINGS  
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT  
EXHIBIT A**

**APPROVED**  
**City of Florence**  
**Community Development**  
**Department**  
A PC 20 31 SUB 03 DE  
**Exhibit** **File Number**

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**Date of Report:** July 30, 2021                      **Planner:** Roxanne Johnston  
**Application:** PC 20 31 SUB 03 – Three Mile Prairie, Phase 1 Tentative Plan  
**Related Files:** PC 18 49 SUB 03 – Sandpines Ranch Tentative Plan

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for Tentative Subdivision Plan review of Phase 1, Lots 1-56, Three Mile Prairie Subdivision (54 residential).

**Applicant:** Kyle Honeycutt, Black Forest Development, LLC

**Property Owners:** Sand Ranch Properties, LLC and Collard Holdings, LLC

**Location:** Approximately 800 feet NW of the intersection of Highway 101 and Munsel Lake Road.

**Site:** Assessor's Map # 18121500, TL00200 & Map # 18121420, TL02100 with emergency access proposed on Map # 18-12-14-20, Tax Lot 01301.

**Comprehensive Plan Map Designation:** Medium Density & Service Industrial

**Zone Map Classification:** Medium Density Residential and Service Industrial

**Surrounding Land Use/Zoning**

**Site:** Approx. 7.26 acres-brush storage, sand mining / Medium Density  
-AND-

Approx. 3.32 acres-landscaping material process/distribution with accessory buildings & single-family residence / Service Industrial (SI)

**North:** Vacant & single-family residence / SI

**South:** Vacant / Service Industrial and BLM land / Open Space

**East:** Various Commercial and Industrial Uses/ North Commercial and SI

**West:** Lane County Park--Three Mile Prairie/ Open Space

**II. NARRATIVE**

Background:

The subject properties are located north of Fred Meyer and BLM dunal property, and extend to the northern boundary of the Sand Ranch Master Park. This tentative subdivision proposal is the third subdivision proposal for the related properties. All proposals carry different tentative subdivision titles. For example, in 2008 the proposal for a 136-lot tentative plat review of 'Sand Ranch', (PC 08 34 SUB 03) approved by the Planning Commission, but expired. On May 28, 2019 the Planning Commission conditionally approved the tentative plat for Phase 1 of the 'Sandpines Ranch Subdivision,' (PC 18 49 SUB 03) which consisted of 29 lots (27 residential and 2 industrial and one tract).

Proposal:

To take advantage of a recent code amendment that reduced minimum lot size and added housing types (duets) the developer revised the approved tentative plat. They also changed the name of the plat and are now proposing the name "Three Mile Prairie" given that the Three Mile Prairie Lane County Park abuts the property to the west. The newer proposed tentative plat street framework remains nearly the same. The changes from the Phase 1 Sandpines Ranch Subdivision approval are to add more smaller/narrower lots to accommodate duets and some deeper lots for larger tandem options. Additionally, they've omitted corner clips at street intersections.

Overall, six phases are planned for the development which tentatively contain a total of 234 lots and nine internal streets. The breakdown of the lots includes 231 for residential development, 1 open space lot, and 2 industrial lots. Two primary access streets from the development to Hwy 101 are planned. The most northern is to be at the entrance of what is now the Sand Ranch business; and the most southern is to be the western extension of Munsel Lake Road.

For the purpose of this application, Phase 1 of this tentative subdivision includes 54 lots located in a Medium Density Residential (MDR) zoning district and the 2 lots in a Service Industrial (SI) district, bringing the lot count to a total of 56. The minimum lot size allowed for MDR is 3,000 sq. ft. for attached single-family units. The proposed lot sizes in Phase 1 exceed this minimum and range from 3,348 to 5,200 sq. ft. Each lot will eventually contain a residential unit attached to a neighboring unit along one respective side lot line. All right-of-way widths are planned at 60 feet. (Exhibit B, Sheet 2).

Because a higher density is expected with the additional lots, the applicant submitted an updated Transportation Impact Analysis report which has been peer reviewed and also reviewed by ODOT (Exhibits L and K). Since the overall development requires a comprehensive review of the TIA, and for the purposes of this tentative plat review, final comments will be supplied within the staff Findings of Fact with the Final Plat application. Some review comments, however, are included in these Findings as they relate to Phase 1.

The proposed residential lots are to be connected to Highway 101 via a street referenced as 'Road 1' on the draft. Road 1 is oriented east/westward (respectively) and bisects the two industrially-zoned SI lots along Highway 101. Only the eastern

portion of Road 1 is to be platted with Phase 1. Future plat phases to the west will further extend Road 1 into the residential area. Of prime concern is the connectivity to Highway 101, given the increased number of lots, since Road 1 would be the only platted access point to the highway shown within Phase 1. In order to develop the increased lots above 30 units and within range of emergency fire apparatus (unless the units implement sprinkler systems for fire suppression; a discussion later in these Findings), a secondary access point to the south will be required. Oak St., shown on Phase 1, is to be platted and improved to what is shown in Exhibit B as Lot 46 of Phase 1 and continue non-platted (but fire-access improved) southward, for the time being, to a point where a western leg of Munsel Lake Rd. is proposed to connect. With Phase 1 this Munsel Lake Rd. leg is the planned emergency access to Hwy 101 into the development as a whole. This access point will be platted with Phase 2 as the western extension of Munsel Lake Rd. As Phase 1 is under development, construction traffic access only is expected at the second connection. Public access is not planned until the street is fully installed.

Staff met with the applicant on March 17, 2021 to discuss some challenges with the Phase 1 proposal. A central challenge involves secondary access proposal discussed above, which, by current design, would not have been sufficient to serve the increase in lots, which ultimately translates into residential density. Overall, this increased density has caused a change in how the phase will be developed in terms of emergency access. By design, two access points were necessary into Phase 1 since there are more than 30 residential units (one per lot) planned within this phase. The developer proposes that Phase 1 be divided into two construction phases: Phase 1a and Phase 1b. Tying the development phases into this platting approval conditionally will allow the developer to fully plat and install Oak St. and the west leg of Munsel Lake in a timely and more cost-effective manner while maintaining safety concerns with the secondary emergency access along these streets. Phase 1a, therefore, will be able to be approved through this application, and the development of Phase 1b will follow after lots in Phase 1a are developed and sold which will help fund the street improvements, (Exhibit B1).

The two non-residential subject properties (excluding "Road 1) associated with this proposal and labeled Lots 1 and 2 are located in a Service Industrial (SI) zoning district (Exhibit B. P. 2). Lot 1 is a double frontage lot since it borders street R.O.W.s along the west side of the Highway 101 and Road 1 to the south. While there is no minimum lot size in SI districts, there are minimum lot frontages of 200 feet and also front, side and rear setbacks. Lot 1's length along Road 1 exceeds the minimum requirement of 200' but falls short on the Highway 101 side at 190'. Because the lot is 10' short of the minimum requirement to be a 'front', the Planning Commission allowed an exception to this lot on May 28, 2019, when they determined that the lot met the criteria allowed under Title 11 for exceptions; in short because the developer was providing open space opportunities within the master development. Such opportunities are still present with this application:

*FCC 11-5-2-B: "1. Subdivisions and Partitions Developed as a Unit: The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the applicant presents a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed*

*and developed with provision for property maintenance of open space, recreation and parklands and will be commonly available for recreation and park purposes to the residents of the subdivision or partition, and which the Planning Commission determines will be of such benefit to said residents as is equal to that of which would be derived from observance of the lot size and frontage requirements otherwise specified and will be in accordance with the purpose of this title.”*

What is labeled as Lot 2 in Sheet 2 of Exhibit B, and which fronts Road 1, does not meet the definition of a lot, nor was it granted an exception as Lot 1 was (above) to continue bearing the label of a lot. Therefore, it was deemed a ‘tract’ by the Planning Commission in 2019 since it is irregularly shaped and does not meet the setback requirements that code outlines to be a lot. For this reason, the proposed lot has been conditioned under Title 11 of these Findings (Condition 27) to be relabeled “Tract A” or similarly named and all other lots except for Lot 1, relabeled sequentially as conditioned with the Sandpines Ranch conditional approval.

*“1. Subdivisions and Partitions Developed as a Unit: The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the applicant presents a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed and developed with provision for property maintenance of open space, recreation and parklands and will be commonly available for recreation and park purposes to the residents of the subdivision or partition, and which the Planning Commission determines will be of such benefit to said residents as is equal to that of which would be derived from observance of the lot size and frontage requirements otherwise specified and will be in accordance with the purpose of this title.”*

The side yard setback requirement for the SI district abutting another zoning district is 20’. Since the SI properties abut a MDR zoning district, they will require screening during the redevelopment or expansion of those SI properties.

Once approved, the projected timeline for construction of Phase 1 homes is 2021, as described in page 2 of Exhibit K.

### **III. NOTICES & REFERRALS**

**Notice:** On January 21, 2021 notice was mailed to surrounding property owners within 100 feet of the property. The property was posted on January 26, 2020.

The City received no comments by the public on the proposal prior to or on February 4, the deadline for submitting such testimony.

**Referrals:** On January 21, 2021, referrals were emailed to Central Lincoln PUD, Oregon Department of Transportation, Lane County, Central Coast Disposal, and Public Works.

At the time of this report, the City had received the following referral comments on the proposal:

Civil West Engineering and Mike Miller, Public Works Director, (Exhibit N):

## "Drainage Report

- Facility Sizing Spreadsheet seems off. For instance, basin 1a is 16,716 sf and a 25 year storm event dumps 5.06 inches of water. I would expect total runoff to be  $16,1716 * (5.06/12) * 0.98 = 6907$  cfs. The report calculations show this as 6704. Not a big difference, but enough for me to question what's going on.
- I'm also concerned that the calculations show an overflow rate and volume, but overflow is not addressed in the plan. Where does it go? This is my biggest concern.
- Drainage Report does not specify which Design Method (approach) they're using.
- O&M and agreement is required for private raingardens, assuming the units I the street will be public with public O&M.
- Is there allowance for drainage in the "sand channel"? Weep holes? As designed, it will convey stormwater (maybe not much, but some) and there should be a private drainage easement along with a maintenance easement for it.

## Plans

- I am not confident that new ADA access ramps can be integral to a driveway.
- Standard detail F-301 (Utility Trench) has been undated with multiple backfill layers shown.

The engineer also expressed the same concerns regarding sand contamination of the rain gardens and how the development will protect them once building construction begins.

## Provision of Water and Sewer

*"Three Mile Prairie subdivision will be served from the 12-inch City water main located within Hwy 101 at their access point to the highway along with the newly installed City 12-inch sewer line also along the frontage of Hwy 101. The City currently has the capacity to fully serve not only the first phase of the development, but the entire project as it develops over the next several years.*

*The city of Florence can provide the minimum state of Oregon water service requirements, for the Three Mile Prairie development. Water is available in quantity and quality for domestic use as determined by the Oregon Health Division, Department of Human Resources.*

*Without going into great detail, it is the policy of the city of Florence to serve water to any property within the City's water service area. However, the property owner(s)/developer(s) are to pay for the pipeline, fire hydrant, construction, engineering fees, street opening permits, water meter costs and any other fees necessary for the connection to the public water system for the project. Additionally, in order to provide adequate fire protection, this development is required to connect to the existing 12-inch water main in Hwy 101.*

*Also, sanitary sewer service is available to the property, however, the property owner(s)/developer(s) are to pay for the sewer main extension, manholes, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project."*

Siuslaw Valley Fire and Rescue, Tony Miller, Fire Marshall (Exhibit O)

*"D103.1 Access Road with a Fire Hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet.... Dead end apparatus access roads in excess of 150 feet...shall be provided with width and turnaround provisions with Table D103.4.*

**TABLE D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ROADS**

<b>LENGTH (feet)</b>	<b>WIDTH (feet)</b>	<b>TURNAROUNDS REQUIRED</b>
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

*D107 One - or two – family dwelling residential developments. Developments of one- or two- family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus and access roads. Exceptions: 1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from to directions shall not be required."*

Preliminary comments to the development's TIA were submitted in September, 2020. Since that time, the project's TIA was updated and completed in October 2020.

Since re-submission of the updated TIA, comments submitted by ODOT (Exhibit L) were not specific to Phase 1 but to the development of Three Mile Prairie as a whole. Of central interest to ODOT is increased density which translates into increased traffic and its effect on development of the west leg of Munsel Lake Road in concert with the nearby Cannery pipeline project since development of that project understandably would have experience increased use, once built, at the same intersection with Highway 101. ODOT also notes discrepancies of the building schedule, accepts the data collection methodologies but requests that seasonal

factors be applied; the application of the City of Florence Transportation Systems Plan data for future year traffic volumes instead of ODOT's future volume table; and provide updated trip generation volumes as needed by using calculations based on the fitted curve model, and not filtering data to include only sites within the U.S.

Peer Reviewer comments from Kim Parducci of Southern Oregon Transportation Engineering (SOTE) of the applicant's TIA, reflect discrepancies in trip generation data produced that take into consideration the applicant's TIA and that of the nearby Cannery project's TIA. Since both developments propose a significant increase in traffic, both projects, SOTE explains, triggers the requirement of the installation of a traffic signal at the intersection of Munsel Lake Road and Highway 101 and therefore recommends an update of the TIA for Phases 2-6 of the Three Mile Prairie in order to (generally) resolve conflicts in trip generation data. Items 3, 5 through 7 in Exhibit M pertain to Phase 1 in particular. Topics in these items include questionable trip distribution between the north and south entrances into Three Mile Prairie and that a Phase 1 proportionate cost share should be required for the traffic signal as it is with Phase 1 of the Cannery project. Also of note is that a building remains on the proposed west Munsel Lake Road property – traffic is currently generated from the site and noted in the TIA, but the TIA states that the property is vacant. Not included in the SOTE comments is the fact that this structure will need to be removed before platting Phase 2." (Exhibit L) (**Informational 1**).

#### **IV. APPLICABLE REVIEW CRITERIA**

##### **Florence City Code**

###### **Title 10: Zoning Regulations**

- Chapter 1: Zoning Administration, Sections 1-4, 1-5, & 1-6-3
- Chapter 7: Special Development Standards, Sections 2, 3, 4, 6, & 7
- Chapter 10: Residential Districts, Sections 10-2, 10-4 & 5, and 10-7
- Chapter 31: Service Industrial District, Sections 4 through 7
- Chapter 32: Drinking Water Protection Overlay Zone
- Chapter 35: Access and Circulation, Sections 2 through 4
- Chapter 36: Public Facilities, Sections 2 through 8

###### **Title 9: Utilities**

- Chapter 5: Stormwater Management, Sections 1 through 7

###### **Title 11: Subdivision Regulations**

- Chapter 1: Subdivision Administration, General Provisions, Sections 1 through 4
- Chapter 3: Major Partition, Tentative Plan Procedure
- Chapter 5: Platting and Mapping Standards

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

- Chapter 2, Land Uses, Policy 7, Residential Policies 3, 4, & 11

##### **City of Florence Transportation System Plan (2012)**

## V. FINDINGS

Code criterion 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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##### 10-1-1-4: APPLICATION:

- A. **Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.**
- B. **Applicability of Review Procedures: All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures as described in subsections 1-4 below. Table 10-1-1 lists some of the City's land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.**

[...]

2. **Type II (Administrative) Review Procedure (Administrative/Staff Review with Notice). Administrative decisions are made by the City Planning Director, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Director may refer an Administrative application to the Planning Commission for its review and decision in a public meeting;**

The application associated with the proposed tentative subdivision plat for Phase I of the Three Mile Prairie plat qualifies for a Type II administrative review under this Section. The applicant submitted the required form and materials whereupon the application was deemed "complete" as of December 16, 2020 and the applicant duly noticed. The application and related materials submitted do not appear to require a decision by the Planning Commission.

[...]

E. **Traffic Impact Studies:**

[...]

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



zoning regulations; a change in use, or a change in access, if any of the following conditions are met:  
[...]

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

The applicant submitted a TIA in accordance with this Chapter as the proposal calls for more than 25 single-family dwellings. These criteria are met.

#### **10-1-1-6-2 Type II REVIEWS - ADMINISTRATIVE REVIEWS:**

- A. **The Planning Director or designated planning staff may make administrative decisions (limited land use). The Type II procedure is used when there are clear and objective approval criteria and applying City standards requires limited use of discretion.**
- B. **TYPE II (Administrative) Decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to the following:  
[...]**

#### **12. Subdivisions, tentative plans, not utilizing Title 11, Chapter 7**

The applicant is proposing Phase 1 of a Tentative Subdivision Plat and no review of Title 11, Chapter 7 is required at this time. A Type II Administrative Review applies as per 10-1-1-6-2 and a hearing is not required. Noticing information has been provided below.  
[...]

#### **D. Notice - Information:**

- 1. **Type II Decisions: The City will post a notice on the subject property and provide Notice of Application to owners of property within 100 feet of the entire contiguous site for which the application is made. The list of property owners will be compiled from the most recent property tax assessment roll.**
  - a. **Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the application shall be sent to the Oregon Department of Transportation.**

#### **2. Property Owner Notice shall:**

- a. **Provide a 14 day period of submission of written comments prior to the decision;**
- b. **List applicable criteria for the decision;**
- c. **Set forth the street address or other easily understood geographical reference to the subject property;**
- d. **State the place, date and time that comments are due, and the person to whom the comments should be addressed;**
- e. **State that copies of all evidence relied upon by the applicant are available for review at no cost, and that copies can be obtained at a reasonable cost;**
- f. **Include the name and phone number of local government representative to contact and the telephone number where additional information may be obtained.**

On January 21, 2021, notice was also sent to the administrator of the Florence Municipal Airport, the City of Florence Public Works Director Mike Miller; the City of Florence Building Department, the Oregon Department of Transportation, Lane County, Central Coast Disposal, and Waste Connections. Siuslaw Valley Fire and Rescue was notified on February 10, 2021. The notification procedures meet the requirements of FCC 10-1-1-6-2.

On January 21, 2021, notification of an administrative review was mailed to surrounding property owners within 100 feet as described above. This notice contained information regarding the nature of the application and uses proposed; applicable criteria applying to the issue; an easily understood geographical reference to the subject property; stated the place, date, and time that comments on the proposal were due; and stated that the application and criteria were available for inspection at no cost and would be provided at reasonable cost. Notice posted on the property posted on January 26, 2021. The application was properly noticed and these criteria are met.

**E. Request for referral by the Planning Commission Chair: The Chair of the Planning Commission may, within the 14 days notice period, request that staff refer any application to the Planning Commission for review and decision.**

The Planning Commission Chair did not request a referral during the 14-day notice period which expired February 4, 2021.

**F. Type II decision requirements: The Director's decision shall address all of the relevant approval criteria. Based on the criteria and the facts contained within the record, the Director shall approve with or without conditions or deny the request, permit or action.**

**G. Notice of Decision: A notice of the action or decision and right of appeal shall be given in writing to the applicant. Any party who submitted written testimony**

**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.**

These Findings of Facts contain a review and conditions of approval for the application. The applicant will be provided a Notice of Decision in accordance with this Section upon the conclusion of these Findings. No additional party submitted testimony during the 14-day notice period before it expired on February 4, 2021.

[...]

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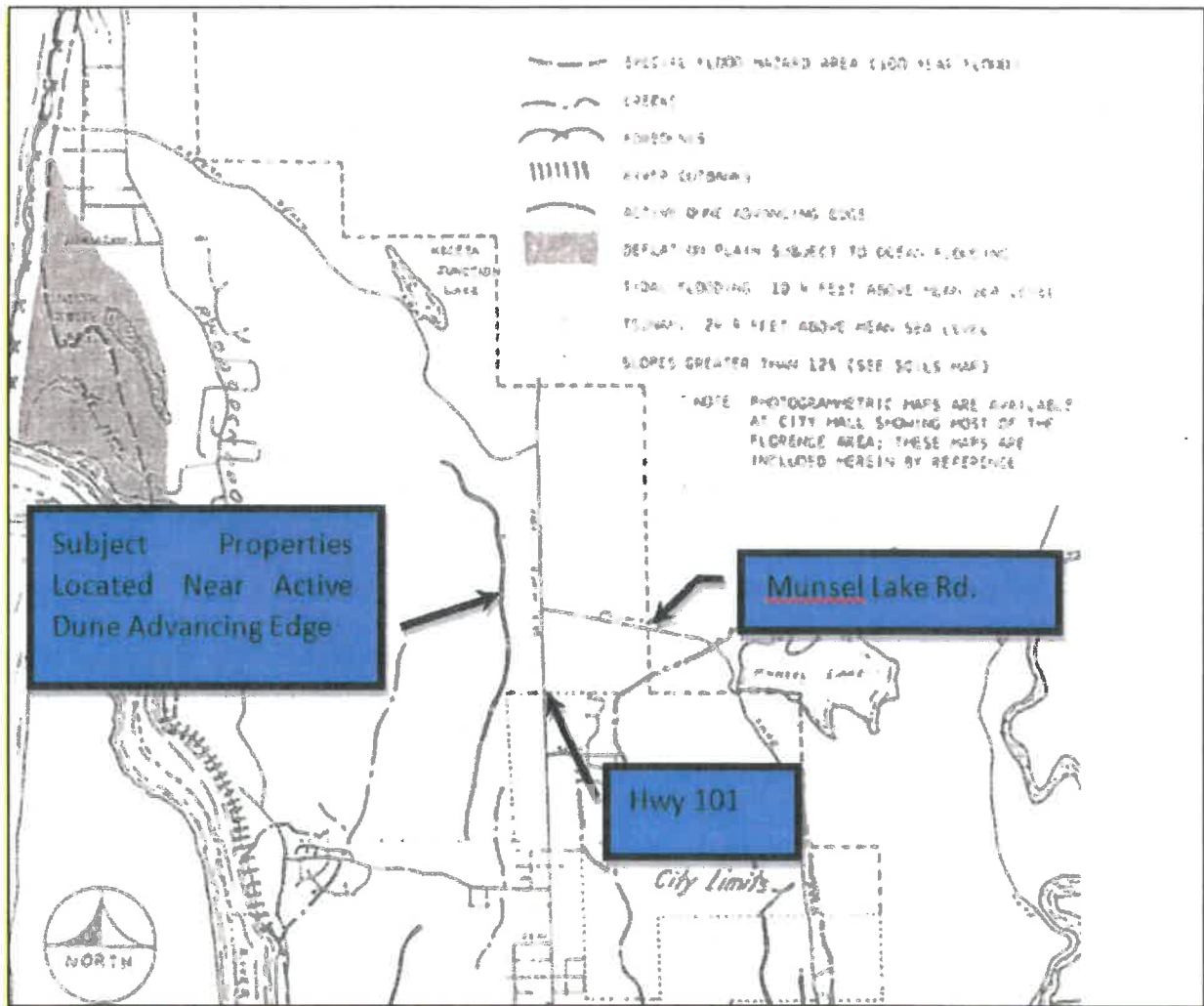
## **TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS**

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

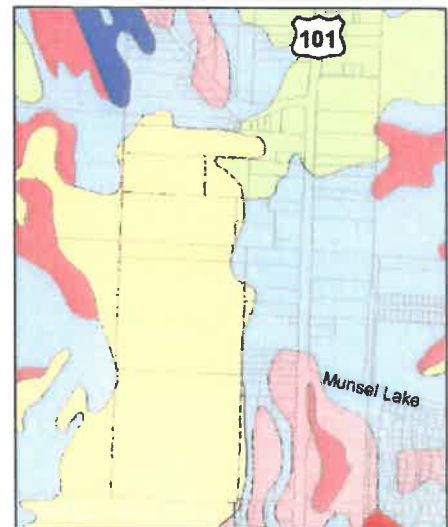
**A. “Hazards Map”, Florence Comprehensive Plan Appendix 7.**

The below Hazards Map excerpt illustrates that the site is near or the source of the active dune advancing edge. A Sand Management Plan submitted by the applicant in 2018 while planning for the Sandpines Ranch plat states, in Section 3.4.1., that the edge is along the eastern property line having migrated over the years, (Exhibit C). *(Note: City limits have changed since the Hazards Map was published. The subject property is now included within City limits).*



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

The soils map excerpt illustrates the site contains Dune Lane (light orange) and Yaquina loamy fine sand (light blue). Both of these soil types are identified on the map as unsuitable or conditionally suitable for development and require a site investigation report. Portions of the Dune Land site contain slopes that exceed 12%. The grading plan for the Phase 1 roads and lot portions of the project proposes to cut and remove the slopes equal or less than 8% to accomplish the proposed development plan. The final grading plan for the site will be prepared by a licensed professional engineer. The engineer will also observe, test, inspect and approve all excavation, grading and compaction activities performed on the Site. The City of Florence Building Department may require additional soils review and compaction testing prior to the



issuance of building permits and first inspections. The applicant submitted an Erosion and Sediment Control Plan, (Exhibit C1).

- 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 requirement 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.**

The subdivision project site is not included in any of the listed sources. The wetlands on the overall site are protected under the Prime Wildlife Overlay.

- 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)**

The property is not located within a designated Flood Hazard Zone, a Tidal Flooding Hazard Zone, or Tsunami Inundation Zone.

The overall subdivision project site contains land designated Prime Wildlife Overlay zone in the southwest corner of the 35-acre site. The Prime Wildlife Overlay wetlands area shall be protected with a 100' undisturbed buffer as required by FCC 10-19. Although not a condition for this Phase I tentative plan application (unless grading in the area is proposed), this buffer area will be conditioned with the related tentative plan phase land use approval to be demarcated on site with a flagged sand fence or other city approved protection measure, ([Informational 2](#)).

### **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 Phase 1 Site Investigation Report was submitted originally in 2008. This was updated in 2018 and is included in the sand management plan. A revised form was submitted April 29, 2019.

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

**Commission approval where it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. (Ord. 24, Series 2008)**

The proposed subdivision is illustrated on the Hazards Map as lying within or adjacent to the leading edge of an active dune which stretches southward from land south of Heceta Beach Road roughly two to four blocks west of Highway 101 to Sand Pines/Florence Golf Links ending prior to 35<sup>th</sup> St. The applicant in their Site Investigation Report (SIR) states the edge is located along the eastern edge of the property. The applicant submitted a Sand Management Plan prepared by an engineer who provided options and recommendations for mitigation of sand movement (Exhibit C). This is discussed further in the "Active Dune Sand" portion of the report as well as Civil West Engineering's peer review comments of that report (Exhibit O).

**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.**

Although an updated grading plan was not submitted for this tentative plat review, a past review of the Sand Management Plan 2018 conditionally approved through PC 18 39 SUB 03, (Exhibit C) indicates that the applicant proposed slopes greater than 12 percent within the 50' easement of some of the northern lots. The proposed Phase 1 tentative plan indicates that the northern portions of Lots 3 through 16 (Exhibit B) provides for a 50' sand dune stabilization easement. The final grading plan and/or building permit applications designed and prepared by a registered engineer shall also address foundations for lots adjacent to grades greater than 12%, their drainage and revegetation, [[Condition 4](#)].

**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, except where vegetative stabilization is prohibited on the property of State or Federal agencies, and it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. Stabilization may be required prior to development in cases where there are large unstabilized areas.**

Earlier 2018 submissions by the applicant contained a preliminary grading and drainage plan for the Phase 1 and perimeter area (Exhibit E) and a site grading plan for the entire development in the Sand Management Plan illustrated in Appendix C (Exhibit C). The Sand Management Plan addressed the development as a whole. A phased sand management

plan was not discussed at that time nor provided with this application. The previous proposal includes internal sand management with the application of root mat on graded areas awaiting development, a retaining wall along the Prime Wildlife wetlands, and mechanical removal within 50' easements inside the northern and southern site property lines with a cement retaining wall 15' in height at its highest elevation. The wall is to act as physical containment to prevent perimeter sand from being eroded and act as a collection channel from which to excavate sand and again, addressed the proposal when the entire development was proposed for review and approval.

In 2018, Civil West (city engineer of record) and Public Works provided the following comments on the Sand Management Plan (Exhibit O): The mechanical mitigation with retaining wall does not provide protection to the lots located on the westerly edge of the development (Lots 104 & 96). They also questioned how wind erosion will be mitigated at the north end of Orem St., and south end of Silica Drive. (*Note: no street names, other than Oak St., have been proposed with this recent Phase 1 application*) Public Works requested the developer to provide assurances and additional details on sand management occurring after initial construction of the street and utilities. Developer was to also provide a plan on how they will address keeping sand out of the stormwater planters during and after construction.

The applicant shall submit final sand mitigation plans that include protection for the western lots of Phase 1 (which would include Lots 16 through 26 of this 2020 Phase 1 tentative plan). The plan shall address sand mitigation at street ends and specificity for sand management in public rights-of-ways after utilities and streets are installed, [Condition 5]. A similar condition will be made for subsequent phases, as relevant.

The applicant shall provide a final mass site grading plan report prepared by an Oregon registered civil engineer for review and approval prior to grading. The plan shall address stabilization of and protection of improvements adjacent to slopes greater than 12%, include sand mitigation measures protecting the stormwater systems, analyze the effect the proposal will have on the Prime Wildlife buffer area and include mitigation from sand inundation, provide a sand stabilization plan for each lot that is to be implemented prior to issuance of occupancy permits and includes vegetation stabilization meeting 10-7-3-F and supported by soil amendments, [Condition 6]. CCRs shall be created that shall run with the properties that include sand mitigation requirements to minimize on-site sand erosion and hazards to nearby properties, planter strips/stormwater facilities and rights-of-way, [Condition 7].

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

The highway parcel contains Yaquina soils. No reports of seasonal standing water were reported by the SIR nor are they included in the Stormwater Management Plan. The Southwest corner of the 35-acre parcel contains wetlands. The wetlands area is not proposed for alteration and is not included in this review other than a notation that protection of those areas is required by Title 10 Chapter 19. Criterion met.

#### **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.**

A Phase 1 Site Investigation Report was submitted originally in 2008. This was updated in 2018 and is included in the sand management plan shown in Exhibit C. A revised form was submitted April 29, 2019. The hazards were found to be present. In response engineered plans were provided to mitigate the hazards. Subsequent conditions may be added to request additional protection measures to those already proposed and to meet the criteria of this code section.

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

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



*Beach and Dune Implementation Techniques: Site Investigation Reports* dated 1979 and published by the OCZMA references specific criteria for conducting site investigation reports. The applicant submitted both Phases I & II Site Investigation Reports (SIR) completed by EGR Associates dated August 18, 2008 and updated November 1, 2018 (Exhibit C). 11-5-5-A requires a Phase 1 review for the subdivision application. EGR's findings identified wind erosion as a "problem area" or hazard from the presence of the open sand dunes on their 35-acre parcel. This finding necessitated a Phase II Site Investigation Report whose criteria start as Section III. on P. 3.

Following the Phase II SIR, EGR, in Section 4.3, divided the wind erosion mitigation into two methods, an interior open sand area and an exterior or boundary mitigation area. EGR states that "All potential solutions have ongoing operation and maintenance requirements that will need to be addressed by the project Homeowners Association or deed restrictions." No maintenance specificity was submitted or recommended.

Concurrent with infrastructure development construction plans, detailed plans and specifications shall be submitted for the retaining wall system. At the time of recording of the final plat, the owner shall have a mechanism for ensuring the ongoing maintenance of all sand mitigation measures. This may take the form of CC&R's, a Home Owners Association, deed restrictions, a long-term maintenance lease or other City approved instrument, [[Condition 8](#)].

**B. Required Certifications and Inspections: For any Phase II SIR submitted, the registered professional of record shall be required to: 1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans. 2. Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans. 3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.**

The applicant shall file a final report with detailed engineered plans and specifications concurrently with the future construction and grading plans. The engineer shall: 1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans; 2. Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans; 3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans, [[Condition 9](#)].

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

The applicant shall provide a maintenance bond in an amount set by Public Works or City Code for the time specified in code for protection or restoration of the Prime Wildlife Overlay area and public infrastructure in the event of sand erosion, inundation and encroachment. **[Condition 10]**. *Note: This condition will carry over to the tentative plat phase associated with the Prime Wildlife Overlay area.*

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

The applicant shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property as outlined in subsection (D) of FCC 10-7-7, Review and Use of Site Investigation Report, and shall state “*The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgement or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project.*” This shall be recorded prior to submittal of any additional building permit applications or prior to final Subdivision Plat.”, **[Condition 11]**.

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

No response.

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## **TITLE 10: CHAPTER 32: DRINKING WATER PROTECTION OVERLAY DISTRICT**

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**10-32-2: APPLICABILITY:** This DWP Overlay District applies to industrial and commercial land uses within the Drinking Water Protection Area (DWPA) for the proposed wellfield. As of October 5, 2013, all areas in an industrial or commercial zoning district within the specified wellhead TOTZ are automatically rezoned to add the DWP Overlay District to the underlying zoning district. The areas to which the DWP Overlay District is applied are shown on the Drinking Water Protection Overlay Map, on file in the Community Development Department and incorporated in this Section by reference.

**10-32-5: REVIEW:**

**A. A DWP Overlay District Development Application is required when all of the following criteria are met:**

**1. Industrial and commercial land uses that are affected by one or more of the following: a land use permit application or building permit application;**

**2. The action in Subsection A.1., above will:**

**a. Affect the storage, use, and/or production of hazardous or other materials that pose a risk to groundwater; or**

**b. Increase the quantity of hazardous or other materials that pose a risk to groundwater that are stored, used and/or produced.**

The property is located within the DWP Overlay District. Any future proposed use that includes an industrial or commercial element on the Highway frontage lot shall require a design review of the highway frontage lot to include information concerning the storage, use or production of hazards or other materials not exempted in FCC 10-32-6. [**Condition 12**]

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**TITLE 10: CHAPTER 36: PUBLIC UTILITIES**

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[...]

**10-36-2: Street Standards.**

Street standards are discussed under FCC 11-5 in these Findings.

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**TITLE 11, SUBDIVISION REGULATIONS**

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**11-1-1 PURPOSE: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS**

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- A. To provide rules, regulations and standards to govern the approval of subdivisions and partitions of land and to carry out the development pattern and plan of the City.
- B. To promote the public health, safety and general welfare; lessen congestion in the streets; secure safety from fire, flood, pollution and other dangers; provide adequate light and air; prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, parkland, multi-use paths and trails, recreation and other needs of the people of the City; to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval.

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**TITLE 11: CHAPTER 3: SUBDIVISION TENTATIVE PLAN PROCEDURE**

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

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

FINDING: This Tentative subdivision plan for Phase 1, Three Mile Prairie was filed in accordance with FCC 10-1-1-4. These criteria are met.

- B. Drafting: The tentative plan shall show all pertinent information to scale. The drawing shall be on standard size sheets eighteen inches by twenty four inches (18" x 24"), and at scale of one inch equal to one hundred feet (1" = 100'). The scale may be increased or decreased if necessary, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (10) of any one of these scales.**

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

FINDING: Sheet 2 of the Tentative subdivision plan for Phase 1 has been prepared by an Oregon registered engineer at a scale of 1 inch = 50 feet. The plans were submitted electronically to scale. These criteria are met.

- 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.**

FINDING: No block numbers are proposed. The applicant is proposing a change from the original approved name of "Sandpines Ranch" to "Three Mile Prairie," which is shown on Phase 1 of this tentative plan (Exhibit B). There is no other subdivision in the County with the same name. The name will be forwarded to Emergency Services for review and input prior to Final Plat approval. All subsequent phases shall bear the name "Three Mile Prairie" as they will be contiguous to this tentative plan, [**Informational 3**].

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

FINDING: The date, north arrow and scale are shown on the tentative plan. The location of the proposed subdivision is provided under the tentative plan's title. There are no adjoining subdivisions shown on the Tentative plan because none exists. This criterion is met.

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

**FINDING:** Sheets 1, 2 and 3 of the tentative plan drafts contain the name and address of the engineer. The owner's name is shown under the Owner's Declaration on Sheet 3; however, no address is given for the owner. The final plat shall contain the owner's address in accordance with FCC 11-3-2 C3, [**Condition 13**].

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

**FINDING:** The location of proposed and existing right-of-way lines are shown on the Tentative plan. This criterion is met.

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

**FINDING:** The locations and widths of proposed streets are shown on the tentative plan (Sheet 2, Exhibit B). Aside from Highway 101 access at the existing location, approved under the 2018 application and managed by the Department of Transportation, there are no previously approved adjoining streets. The plan does indicate what could be an extension of Oak St., which extends north to the edge of the property and south into the future Phase II. The applicant shall work with the City on identifying street names for additional proposed streets which meet the city code's naming convention and indicate those street names on the final plat, [**Condition 14**].

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

**FINDING:** No private streets or roads are proposed. All roads are identified for public dedication.

- 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%**

**FINDING:** 2' contour intervals for existing and proposed elevations are shown on a drainage plan (Exhibit E) in NAVD 1988 Datum. This exhibit was taken from the 2018 application. The applicant shall provide an updated contour interval sheet as required per FCC11-3-2 C7 which reflects the current lot proposals, [**Condition 15**].

- 8. The approximate grades and radii of curves of proposed streets.**

**FINDING:** The radius of curves of proposed streets are shown on the Tentative plan (Exhibit B, Sheet 2). The applicant explains in the application (Exhibit H) that grading will be done post-approval of Phase 1. As such, the grading plans shall include all street grades, [Condition 16].

**9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.**

**FINDING:** Location and width of proposed easements are shown on the tentative plan and include 50' sand management easements on the north end of Lots 3-16 and 7' wide utility connection easements along the east boundary of Lot 3's external property line. Reserve strips 1' in depth for the width of the platted street are provided at all street termini. This criterion is met.

**10. The approximate radii of all curves**

**FINDING:** The radii of all proposed curves are shown on the Tentative plan (Sheet 2, Exhibit B). This criterion is met.

**11. The general design of the proposed subdivision or major partition including the approximate dimensions of all proposed lots and parcels.**

**FINDING:** Approximate dimensions and lot sizes in square feet for all lots are shown on the Tentative plan. Lots 1 and 2 also include acreage. This criterion is met

**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.**

**FINDING:** The Sand Management Plan submitted with PC 18 49 SUB 03 includes discussion of the water table (85'), the wetlands in the south west corner of the 35-acre parcel, and the lack of water overflow and watercourse. This criterion is met.

**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.**

**FINDING:** The applicant has not provided information on what will become of the existing structures within the SI zoning district on proposed Lots 1-2. Lots 1 and 2 shall require Design Review approval prior to redevelopment, [Condition 17]. Lots 3 through 56 are proposed to be single family uses. Lot 57 is for future Three Mile Prairie subdivision phases and for the purposes of this application is a 'placeholder' lot and is not included within this plat boundary.

**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.**

**FINDING:** The proposed water supply is from the City of Florence. The preliminary utility plan submitted with the accompanying tentative plan for PC 18 49 SUB 03 illustrates the

method of providing public services to the site. Refer to Exhibit E1, Utility Plan Water and Wastewater of that file. Pressure levels were provided as well as sizing and location of pipes. With this application, no comments have been submitted by Public Works specific to the provision of water. No changes are proposed from the 2018 approval except to add additional service lines in order to account for the increase in lots.

**15. All proposals for sewage disposal, flood control and easements or deeds for drainage facility including profiles of proposed drainage ways.**

FINDING: Proposed sewage disposal and drainage is also included in the PC 18 49 SUB 03 conditional approval packet (See Exhibits E1, E2, C, and the stormwater drainage plan in that file). No concerns were raised by Public Works specific to the provision of sewage disposal. Civil West reviewed the storm water management plan and provided comments. With this proposal, additional density has been proposed which means an increase of impervious surfaces and future demand on the wastewater and water supply systems. Any necessary updates to the stormwater management plan, sewage disposal plans, and drainage facility deed and profiles for drainage ways shall be made in accordance with FCC Title 9, Chapters 2, 3 and 5, [**Condition 18**].

**16. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.**

FINDING: Dedicated areas, which include (and are identified as) the streets are shown on the tentative plan (Sheets 2 & 3, Exhibit B). This criterion is met.

**17. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.**

FINDING: All public improvements proposed to be made or installed are shown on submitted plans. A timeline for the completion of Phase 1 (2021,) has been provided. Criterion is met.

**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.**

FINDING: In Exhibit H, Application, the applicant indicates notes, "Please see final construction documents for phase 1 grading plan. The applicant has been conditioned to provide a final grading plan earlier in these Findings.

**19. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision or major partition is a part, provided that where the proposal comprises all of such area, an affidavit of such fact shall accompany the Tentative plan.**

FINDING: The boundary of the area is shown and described on the Tentative plan and the legal description is provided (Sheets 1 through 3, Exhibit B). This criterion is met.

**11-3-3: REVIEW OF TENTATIVE MAJOR PARTITION OR SUBDIVISION: Within five (5) working days after the major partition or subdivision tentative plan is duly**

submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the major partition or subdivision proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted unless an extension is requested.

FINDING: The Phase 1 tentative subdivision application was received on December 10, 2020. Notice was sent on January 21, 2021 to the City Manager, Siuslaw Valley Fire and Rescue (SVFR), Oregon Dept. of Transportation (ODOT), Public Works, Lane County Central Coast Disposal, and Central Lincoln PUD. Responses have been received by ODOT, Lane County, Central Coast Disposal, SVFR and PW.

#### **11-3-4: APPROVAL OF TENTATIVE SUBDIVISION:**

After giving notice as required by FCC 10-1-1-6, the Planning Director or its designee shall grant approval or deny the subdivision tentative plan. The hearing decision and further consideration of a similar application shall be reviewed under a Type II process as defined by paragraph 10-1-1-6 of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be based on compliance with the following criteria.

- A. When the division of land results in remaining lots that are equal to or greater than twice the minimum lot size of the base zone, the application shall label it as a "Tract" and reserve it for open space as applicable or indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code. In either scenario the tract(s) or future lot layout shall not interfere with the orderly extension of adjacent streets, bicycle paths, and accessways.
  1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.
- B. All proposed lots comply with the development standards of the base zone.
- C. Adequate public facilities are available or can be provided to serve the proposed parcels.
- 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.
- E. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes including ORS Chapter 92, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.



**FINDING:** Evaluation of the proposed tentative subdivision (Phase 1) suggests that approval would not impede the future best use of the remainder of the property (Lot 57 as shown in Exhibit B, Sheet 2), as it is under the same ownership (with subsequent subdivision phases to be reviewed at a later date) or adversely affect its safe and healthful development (and that of lands surrounding). Extension and provision of public access to western public lands will be required with those phases as platting along a shared property line is proposed. The proposal meets the requirements of Title 11, 10 and 9 as conditioned. Criterion is met.

**11-3-6: TENTATIVE PLAN, EFFECTIVE DATE:**

Unless appealed, the Planning Director decisions under this chapter shall become effective on the thirty first day after rendered. The applicant may then proceed with final surveying and preparation for final approval consideration of the subdivision plat. Tentative plan approval shall be effective for two years, unless approved as a phased subdivision tentative plan consistent with Section 11-3-8, within which time the application and subdivision plat must be submitted as required by this Title. An applicant may apply to the Planning Director for two (2) extensions of twelve (12) months each. A decision to extend the approval shall be based on compliance with the following criteria:

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

Otherwise the entire procedure must be repeated for reconsideration in light of changed conditions that may exist.

**FINDING:** The applicant will be expected to proceed with final survey and to make preparations for final subdivision approval within the timeframes outlined in Title 11 Chapter 3-6 & Chapter 4-4 & 4-6 unless otherwise provided for through approved and allowed extensions from the Planning Director. This tentative plan shall expire on July 29, 2023 unless an extension request is received and approved [**Condition 19**].

**11-3-8: PHASED SUBDIVISION TENTATIVE PLAN:** The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved by Planning Director for the entire phased subdivision, and each individual phase receives separate final plat approval from the Planning Director. Planning Director shall approve a phased subdivision tentative plan, provided affirmative findings can be made that: (Ordinance No. 7, Series 2019)

- A. The proposed subdivision meets the Tentative Plan requirements outlined in 11-3-1 through 11-3-4.
- B. The proposed subdivision includes the following elements:

1. **A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction fo all required public infrastructure in each phase.**
  2. **Connectivity for streets and public utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.**
  3. **Each phase will have public improvements that meet the infrastructure capacity requirements for the development and meet the requirements of City Code and city design standards.**
  4. **Each phase is designed in such a manner that each phase supports the infrastructure requirements for the phased subdivision as a whole.**
- C. If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.**
- D. Phasing: Subdivisions approved for multi-phased development may apply for final plat approval by phase, in the following manner:**
1. **The first phase of development shall apply for final plat approval within two (2) years from the date of the tentative plat approval;**
  2. **The second phase of development shall apply for final plat approval within two (2) years after the final plat approval of the first phase;**
  3. **Subsequent phases shall file for final plat approval within two (2) years after the final plat approval for the preceding phase, with all phases filed within eight (8) years of the tentative plan approval.**

The applicant has submitted a numbered and color-coded phasing plan for the overall proposed subdivision (Exhibit B2). Although slightly varied to account for conditions placed on the overall plan approved through PC 18 49 SUB 03, it is clear that Phase 1 will be cohesive with the entire proposal in terms of maximizing connectivity, circulation and placement of streets where utilities will be later be located. The design of Phase 1, however, addresses the requirement for sand stabilization easements along the north boundary of the development and other easements to support public utilities.

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## **11-5 PLATTING AND MAPPING STANDARDS**

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

- A. All streets shall comply with applicable development standards of Title 10 Chapter 36, Street Standards.**

Street standards from Title 10, Chapter 36, Public Facilities, are discussed below.

**FINDINGS:**

**10-36-2: STREET STANDARDS:**

**10-36-2-1: Development Standards:** The following standards shall be met for all new uses and developments:

**A. All new lots created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation must have street frontage and approved access to a street.**

**B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.**

**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.**

**D. All new public streets and alleys shall be paved per the City of Florence Standards and Specifications document. Alleys may also be improved with porous concrete, porous asphalt, permeable pavers such as turf concrete, brick pavers or other materials approved by the City. The City does not maintain alleys.**

**10-36-2-2: Improvement Guarantee:** The City may accept a future improvement guarantee (e.g., non-remonstrance agreement, which certifies that the owner and their successors will not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

**A. A partial improvement does not create a potential safety hazard to motorists, bicyclists, or pedestrians.**

**B. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, reduce street safety or capacity.**

**C. The improvement would be in conflict with an adopted capital improvement plan.**

Oak St. is identified as a collector in other areas of the city and its northward extension from Fred Meyer is included in the 2012 Transportation Systems Plan's Table 10-1 as Project 6. Its funding source is identified as "Development". The applicant shall enter into a future

improvement agreement/guarantee for Oak St. since it is not constructed to and through Phase 1 development. Furthermore, Oak St. shall be extended to the most southern line of what is currently labeled as Lot 47. **[Condition 20]**. Although the extension of Oak is tentatively planned to be completed in Phase II of this subdivision, it is necessary to ensure that it will be installed per street standards and circulation to service development. The challenging issue with this proposal is that in order to allow full development of the lots within Phase 1, it is necessary to ensure that two access points into the first phase of development be fully installed prior to issuance of building permits. As proposed with Phase 1a & b, there is only one access point to Highway 101. Although a second access point to Hwy 101 is planned for Phase II, that phase has not been yet been submitted and reviewed to account for the increased density/smaller lot sizes which significantly changed the tentative conditional approval for Sandpines Ranch. The platting of Road 1 as the sole entrance from Highway 101 will support the development of 30 residential units only (28 are shown in Phase 1a, Exhibit B1). In order to avoid installing fire sprinkling to additional units within the phase, all residential units above 30 units in Phase 1 shall require that Oak St. is platted to the most southern part of what is shown as Lot 47 of the same Exhibit. In other words, for the purposes of this tentative application, Oak St. shall be platted to the most southern property line of Lot 47. Final approval of Phase II will trigger platting and full development of Oak St. from the most southern line of Lot 47 (Shown in Exhibit B1) and shall include platting and full development of the west leg of Munsel Lake Road. **[Condition 21]**

Block length and perimeter (FCC 10-36-2-10):

The block length maximum of 600' and minimum of 100' has been met for lots south of what is labeled in Exhibit B as Road 1- these measure approximately 500 feet at their widest and the block perimeter of 1400 is met. The northern 'block' that abuts the north property line measures 700' long and contains a sand management easement with a grade change greater than 12% between the northern lots. The applicant shall amend the final plat to reduce the block length abutting the northern property line west of Oak St in compliance with FCC 10-36-2-10, **[Condition 22]**. Future phases may also require a northern extension in order to maintain compliance with FCC 10-36-2-10. (**Informational 4**)

Street development standards:

**10-36-2-9: Street Location and Connectivity:**

**All street stubs over 150 feet in length shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.**

**1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.**

**2. Developer shall install a Type III barricade at the end of the street. The barricade shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street.**

**3. Temporary street ends shall provide turnarounds (e.g., hammerhead or bulb-shaped configuration) constructed to Oregon Fire Code standards for streets over 150 feet in length.**

All street ends shown in this tentative plan do not require temporary street ends, with the exception of the southern leg of Oak St. as submitted. Because Oak St. is being conditioned to be platted to the most southern lot line of what is shown in Exhibit B1 with this application, Oak St. would then not require a temporary turnaround once platted as conditioned. The criterion can be met as conditioned.

**10-36-2-16: Sidewalks, Planter Strips, Bicycle Lanes: Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with applicable provisions of the Florence Transportation System Plan, Comprehensive Plan, adopted street plans, City of Florence Standards and Specifications and the following standards:**

- A. Sidewalks may be placed adjacent to the street or at the property line with planter strips where practicable, or as otherwise directed by the Public Works Director.**
- B. In areas with high pedestrian volumes, the City may approve a minimum 12-foot wide sidewalk area, curb tight, with street trees in tree wells and / or landscape planters.**
- C. Bicycle lanes shall be constructed on all newly constructed arterial and collector streets as well as all arterial and collector streets that are widened to provide additional vehicular capacity, as indicated in the TSP, unless otherwise designated.**
- D. Sidewalks shall be provided on both sides of the street for all arterial and collector streets. Sidewalks shall be provided on at least one side of the street for local streets. Exceptions may be granted if the City determines that hillsides, drainage facilities, ditches, waters of the state, or natural landscapes are to be preserved, then sidewalks on one side or a multi-use path may be approved. Sidewalks are not required on T-courts (hammer-head).**
- E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.**
- F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.**

Sidewalks are proposed along all streets on both sides. Sidewalks shall be constructed to the edges of the street ends as platted. A sidewalk design along the east side of Lot 3 will be required to meet the needs of the sand management easement and pedestrian access. **[Condition 23]**

Developer shall either install sidewalks property tight on Hwy 101, design to ODOT recommendations, or agree to enter into a non-remonstrance agreement for sidewalks along their Hwy 101 frontage, [Condition 23.1].

All ADA ramps shall meet current standards at the time of installation. Addition engineering details shall be provided prior to construction of the ADA ramps to ensure that they will meet standards. [Condition 24].

As proposed, the streets all meet the minimum dedication width of 60'. The only collector identified in the TSP near this proposal is Oak St, and an extended section (@ 60' long) of this street is included in this proposal. Table 10-1 on page 157 of the Transportation Systems Plan identifies Oak St. as a collector and the plan for this street, under Project #6, is for Oak St. to extend from the north end of Fred Meyer to Heceta Beach Road. As proposed, Oak St. has the same pavement width as a local street and therefore it is not SDC eligible. All roads other than Oak St. shall be designed and constructed as a local street. Oak St. shall be constructed to a minimum collector width of 36' of pavement as illustrated in Figure 9-8 of the TSP and FCC 10-36. [Condition 25].

In accordance with Title 10 Chapter 1 a traffic impact analysis (TIA) was conducted by the applicant (Exhibit J) which has been provided to ODOT for review. Operational analyses of the study area included Phase 1-2021, Phase 2-2023 and Full-buildout-2026. The traffic impact study states the development contributes 2246 total trips. 227 total PM peak trips will be generated by the Three Mile Prairie development as proposed by 2026 buildout, 56 of these are 2021 Phase 1 trips. Fifteen of the 56 are Highway 101 and Munsel Lake Rd. (101/MLR) intersection originating. Only Phase 1 101/MLR intersection originating trips (15) are addressed under this criterion of proportionality. Future phases will require updated TIAs to assess their trip contribution to the identified signal improvement incorporating updated traffic and trip data, ITE standards, ODOT standards and TSP updates.

With regard to financing, the Public Works Department has stated that the Highway 101 and Munsel lake Rd. signal project is listed as a City of Florence System Development Charge (SDC) eligible project. Once the trip generation from a proposed development causes the warrants to be met for a signal, the developer will be required to participate in construction of the improvements. The Access Engineering TIA states Phase 1 of the Three Mile Prairie project with a 2021 buildout date contributes 23 trips to the future development of the signal at the intersection of Highway 101 and Munsel Lake Rd. The applicant shall contribute the associated proportionate share of the construction of the signal in conjunction with each building permit certificate of occupancy. If by December 31, 2022 a Phase 1 project's certificate of occupancy has not been issued then a supplemental TIA is required to update traffic, intersection, and trip data, etc. for the revised build-out date and incorporate any changes from the TSP or jurisdictional standards.

The following formula shall be used to determine the Phase 1 proportionate cost share of the Munsel Lake Road and Highway 101 signal for those projects receiving Certificate of Occupancy permits by December 31, 2022:

1. Commensurate with FCC Title 8 Chapter 5, adjust TSP or Capital Improvement Plan (as applicable) signal cost by Engineering News Record (ENR) 20-City Composite Construction Cost Index (CCI), by the difference between the ENR CCI for the month in which the signal cost is estimated, and the ENR CCI for the month in which the certificate of occupancy is issued.
2. Divide adjusted signal cost by the number of trips needed to meet signal warrant. (e.g. 2012 cost of 490,000 divided by 2,195 trips = \$223.24 per trip)
3. Determine number of Phase 1 project signal contribution trips by calculating corresponding percentage of total Phase 1 pm peak hour trips (e.g. 23 trips / 29 total trips = 79.3% of total Phase 1 trips and applying that percentage to the total number of Phase 1 signal trips.  $23 * .79.3 = 18.239$  trips)
4. Multiply the number of signal trip contributions by the cost per trip calculated in "2" (e.g.  $18.239$  trips \* 2012 trip cost \$223.24 = \$4,071.67) [**Condition 25.1**]

The above formula estimates the cost share as of the date upon which the intersection use is created (project C of O- nexus) using the signal cost as of the month upon which the intersection use is triggered. Spreading the signal contribution cost to each lot based on their percentage of contribution to the overall trip count is proportionate both within Phase 1 projects and the overall signal trip count trigger.

Additional FCC 10-36 review within Phase 1 indicates the proposal meets the requirements for street frontage and access, street intersection alignment/spacing and radii, intersection angles, street grade and centerline curve radii, street names. Street lights and sidewalk standards will be re-evaluated with the final plat application.

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

- B. Slope Easements: Slope easements shall be dedicated in accordance with specifications adopted by the City Council under Section 11-6-1 of this Title.**

FINDING: The Grading Plan does not indicate any slope easements. No property owner or agency has indicated a need or request for slope easements.

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

**FINDING:** Location and width of existing and proposed reserve strips are shown on the tentative plan (Sheet 2, Exhibit B) They are located at the terminus at each end of Oak St. and roads connecting to future phase extensions and to adjoining properties including Three Mile Prairie County Park to the west. Other than Oak St. and connection to parklands no streets are proposed nor required for extension. The reserve strips are the width of the entire right-of-way width and 1 foot deep. This criterion is met.

#### **11-5-2: LOTS AND PARCELS:**

##### **A. Size and Frontage:**

- 1. General Requirements:** Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.
- 2. Area:** Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. Where either a community water supply or sewer system are not presently provided, the lot area shall be sufficient to meet State and County health standards and the lot area shall be at least twice the number of square feet normally required in the zoning district where the lot is located. Where an oversize lot as described above is required due to lack of services, the Planning Commission may require the developer to submit a plan for later division of said lot(s) into standard six thousand five hundred (6,500) or nine thousand (9,000) square foot lots.
- 3. Frontage:** Each lot shall have frontage 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 wither 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.

**FINDING:** Lot Size and Dimensions: The Phase 1 subdivision plan includes residential lots that are 35, 36 and 40' wide and 93 and 130' deep, respectively. All residential lots are greater than the minimum requirement of 25' in width and 80' in depth for attached residential in MDR zoning districts Additionally, all lots exceed the minimum 3,000 sq. ft. area. The smallest lot area is approx. 3,348 sq. ft. These residential criteria are met.

The two non-residential labeled as Lots (one is technically a tract - excluding "Road 1) associated with this proposal and labeled Lots 1 and 2 are located in a Service Industrial (SI) zoning district (Exhibit B. Sheet 2). Lot 1 is a double frontage lot since it borders street R.O.W.s along the west side of the Highway 101 and Road 1 to the south. While there is no minimum lot size in SI districts, there are minimum lot frontages of 200 feet and also front, side and rear setbacks. Lot 1's length along Road 1 exceeds the minimum requirement of 200' but falls short on the Highway 101 side at 190'. Because the lot is 10' short of the minimum requirement to be a 'front', the Planning Commission allowed an exception to this lot on May 28, 2019, when they determined that the lot met the criteria allowed under Title 11 (FCC 11-5-2 B, below) for exceptions; in short because the developer was providing open space opportunities within the master development.



What is labeled as Lot 2 and fronts Road 1 (P. 2, Exhibit B), does not meet the definition of a lot, nor was it granted an exception as Lot 1 was (above) to continue the label of a 'lot.' Therefore, it was deemed a 'tract' by the Planning Commission in 2019 since it is irregularly shaped and does not meet the setback requirements that code outlines to be a lot. For this reason, the proposed lot shall be relabeled "Tract A" or similarly named and all other lots except for Lot 1, relabeled sequentially as conditioned with the Sandpines Ranch conditional approval, [**Condition 26**].

**B. Exceptions:**

1. **Subdivisions and Partitions Developed as a Unit:** The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the applicant presents a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed and developed with provision for proper maintenance of open space, recreation and parklands and will be commonly available for recreation and park purposes to the residents of the subdivision or partition, and which the Planning Commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this Title.

FINDING: As discussed above, Lot 2 has been conditioned to be relabeled as a 'Tract' and all other lots relabeled (except for Lot 1), sequentially. Since the Planning Commission determined that Lot 1 met the "Exception" listed in B, above, the remaining lots proposed within Phase 1 meet the lot size and frontage requirements.

**11-5-3: PUBLIC FACILITIES:**

**All utilities shall comply with applicable development standards of Title 10 Chapter 36 and Title 9.**

FINDING: City of Florence Public Works has reviewed the proposed civil preliminary construction plans for utilities and stormwater. The stormwater plan was sent to the City's engineer of record, Civil West. Referral comments are shown in Exhibit M and include the following:

**Drainage Report**

- Facility Sizing Spreadsheet seems off. For instance, basin 1a is 16,716 sf and a 25 year storm event dumps 5.06 inches of water. I would expect total runoff to be  $16,716 * (5.06/12) * 0.98 = 6907$  cfs. The report calculations show this as 6704. Not a big difference, but enough for me to question what's going on.
- I'm also concerned that the calculations show an overflow rate and volume, but overflow is not addressed in the plan. Where does it go? This is my biggest concern.
- Drainage Report does not specify which Design Method (approach) they're using.

- O&M and agreement is required for private raingardens, assuming the units I the street will be public with public O&M.
- Is there allowance for drainage in the “sand channel”? Weep holes? As designed, it will convey stormwater (maybe not much, but some) and there should be a private drainage easement along with a maintenance easement for it.

#### Plans

- I am not confident that new ADA access ramps can be integral to a driveway.
- Standard detail F-301 (Utility Trench) has been undated with multiple backfill layers shown.

The engineer also expressed the same concerns regarding sand contamination of the rain gardens and how the development will protect them once building construction begins.

#### Provision of Water and Sewer

*“Three Mile Prairie subdivision will be served from the 12-inch City water main located within Hwy 101 at their access point to the highway along with the newly installed City 12-inch sewer line also along the frontage of Hwy 101. The City currently has the capacity to fully serve not only the first phase of the development, but the entire project as it develops over the next several years.*

*The city of Florence can provide the minimum state of Oregon water service requirements, for the Three Mile Prairie development. Water is available in quantity and quality for domestic use as determined by the Oregon Health Division, Department of Human Resources.*

*Without going into great detail, it is the policy of the city of Florence to serve water to any property within the City’s water service area. However, the property owner(s)/developer(s) are to pay for the pipeline, fire hydrant, construction, engineering fees, street opening permits, water meter costs and any other fees necessary for the connection to the public water system for the project. Additionally, in order to provide adequate fire protection, this development is required to connect to the existing 12-inch water main in Hwy 101.*

*Also, sanitary sewer service is available to the property, however, the property owner(s)/developer(s) are to pay for the sewer main extension, manholes, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project.”*

**FINDING:** The following are conditions based on the above comments by Civil West Engineering and Mike Miller, Public Works Director:

Sanitary sewer service is available to the property however, the property owner(s)/developer(s) are to pay for the sewer main extension, manholes, construction,

connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project [ **Condition 27**].

Water: Water meter locations shall share a common property line (water meter located on each side of the property line – example water meters for Lots 2 and 3 (taking into consideration the renumbering of the lots per Condition 5 shall be located at the shared Lot 2 and Lot 3 property line). [ **Condition 28**].

Stormwater: Planter strips are to be the maintenance responsibility of the property owner. Developer to provide assurances and additional details on sand management after initial construction of the street and utilities. Developer shall provide a plan on how they will address keeping sand out of the stormwater planters during and after construction. Civil West has concerns about the dimensions of street planters that will need clarification with final plans. [ **Condition 29**]

Final construction plans and utility facility specifications are required to be submitted for City review and approval prior to commencing construction. City reserves the right to relocate water services, fire hydrant locations, and sewer lateral locations prior to construction plans being finalized. Referral comments submitted to Public Works and Civil West shall be incorporated into the revised plans. Stamped approval shall be shown on the utility plans prior to commencing work. [ **Condition 30**]

**10-36-3-E. Fire Protection:** All new development shall conform to the applicable provisions of the Oregon Fire Code. Developers shall provide verification of existing and proposed water service mains and hydrant flow supporting the development site. Fire flow analyses and plans for hydrants and water service mains shall be subject to review and approval by the Building Official or Fire Marshal.

The applicant provided plans for water mains and hydrants and water pressure from existing services. PW found the pressure to be adequate to serve the proposed Phase 1 development. Criterion met.

**10-36-4: EROSION CONTROL:** In addition to standard City requirements for stormwater, erosion control and sand management, projects that disturb one (1) or more acres of land over a period of time, a National Pollution Discharge Elimination System (NPDES) Permit must be obtained from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

The project involves disturbance of more than 1 acre of land. The applicant shall obtain an NPDES permit from DEQ prior to issuance of development permit for the subdivision infrastructure, [ **Condition 31**]

#### **10-36-5: 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 and 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 underground services. Care should 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 streets.
- d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

All new utility lines shall be undergrounded and above ground equipment shall not obstruct vision clearance areas for vehicular traffic, [**Condition 32**].

**10-36-8-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. [**Condition 33**]

**11-5-4: PARTIAL DEVELOPMENT:**

Where the subdivision or partition includes only part of the tract owned by the applicant, the Planning Commission may require a sketch of a Preliminary layout of streets in the remainder of said ownership.

FINDING: The tentative subdivision application is for Phase 1 of the Three Mile Prairie Subdivision. A preliminary layout has been provided by the applicant. This criterion is met.

**11-5-5: UNSUITABLE AREAS:** Areas identified in the Florence Comprehensive Plan as having designated or protected natural areas or potential hazards due to erosion, landslides, stream flooding, ocean flooding or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, the general public, or natural values which have been protected.

- A. All major partition and subdivision applications shall be reviewed by the City, using the Phase I checklist contained in Site Investigation Reports by Wilbur E. Terynik, published by OCZMA.
- B. Where problem areas are identified in the Phase I checklist, a full-scale Phase II site investigation will be required covering only those problem areas identified in the Phase I checklist. This site investigation must be prepared and paid for by

**the applicant. Before approval would be granted the site investigation would have to prove either:**

- 1. That upon specific examination of the site, the condition which was identified in the Comprehensive Plan Inventory did not exist on the subject property; or**
  - 2. That harmful effects could be mitigated or eliminated through, for example, foundation or structure engineering, setbacks or dedication of protected natural areas.**
- C. Specifically, areas shown on the Hazards Map and the Soils Map of the Comprehensive Plan will require a Phase II site investigation report. Studies which have been adopted or included in the Comprehensive Plan by reference or studies done subsequent to the adoption of the Plan may be used to determine when a site investigation report is needed.**

The SIR has been discussed earlier in these Findings under FCC Title 10, Chapter 7.

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## **VI. INFORMATIONALS**

- 1. Comments from SOTE of the applicant's TIA, reflect discrepancies in trip generation data produced that take into consideration the applicant's TIA and that of the nearby Cannery project's TIA. Since both developments propose a significant increase in traffic, both projects, SOTE explains, triggers the requirement of the installation of a traffic signal at the intersection of Munsel Lake Road and Highway 101 and therefore recommends an update of the TIA for Phases 2-6 of the Three Mile Prairie in order to (generally) resolve conflicts in trip generation data. Items 3, 5 through 7 in Exhibit M pertain to Phase 1 in particular. Topics in these items include questionable trip distribution between the north and south entrances into Three Mile Prairie and that a Phase 1 proportionate cost share should be required for the traffic signal as it is with Phase 1 of the Cannery project. Also of note is that a building remains on the proposed west Munsel Lake Road property – traffic is currently generated from the site and noted in the TIA, but the TIA states that the property is vacant. Not included in the SOTE comments is the fact that this structure will need to be removed before platting Phase 2.**
- 2. The overall subdivision project site contains land designated Prime Wildlife Overlay zone in the southwest corner of the 35-acre site. The Prime Wildlife Overlay wetlands area shall be protected with a 100' undisturbed buffer as required by FCC 10-19. Although not a condition for this Phase I tentative plan application (unless grading in the area is proposed), this buffer area will be conditioned with the related tentative plan phase land use approval to be demarcated on site with a flagged sand fence or other city approved protection measure.**
- 3. The applicant is proposing a change from the original approved name of "Sandpines Ranch" to "Three Mile Prairie," which is shown on Phase 1 of this tentative plan**

(Exhibit B). There is no other subdivision in the County with the same name. The name will be forwarded to Emergency Services for review and input prior to Final Plat approval. All subsequent phases shall bear the name "Three Mile Prairie" as they will be contiguous to this tentative plan.

4. Future phases may also require a northern extension in order to maintain compliance with FCC 10-36-2-10.

**VII. 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 shall be shown on conditions of approval as supported by the following record:

"A"	Findings of Fact
"B"	Phase 1 Tentative Plan
"B1"	Phases 1 a & b Image
"B2"	Master Phasing Plan
"C"	Sand Management Plan 2018
"C1"	ESCP Drawings
"D"	Sandpines Ranch FOF
"E"	Utility – Drainage and Grading
"F"	SIR 2019
"G"	Application
"H"	Stormwater Narrative and Calculations
"I"	Construction Drawings
"J"	Three Mile Prairie TIA
"K"	Referral-ODOT
"L"	Referral-Revised SOTE TIA
"M"	Referral- Public Works
"N"	Referral - SVFS
"O"	Referral- 2018 Civil West Engineering

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.

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

### **FCC 10-7-3**

4. The proposed Phase 1 tentative plan indicates that the northern portions of Lots 3 through 16 (Exhibit B) provides for a 50' sand dune stabilization easement. The final grading plan and/or building permit applications designed and prepared by a registered engineer shall also address foundations for lots adjacent to grades greater than 12%, their drainage and revegetation.
5. The applicant shall submit final sand mitigation plans that include protection for the western lots of Phase 1 (which would include Lots 16 through 26 of this 2020 Phase 1 tentative plan). The plan shall address sand mitigation at street ends and specificity for sand management in public rights-of-ways after utilities and streets are installed.
6. The applicant shall provide a final mass site grading plan report prepared by an Oregon registered civil engineer for review and approval prior to grading. The plan shall address stabilization of and protection of improvements adjacent to slopes greater than 12%, include sand mitigation measures protecting the stormwater systems, analyze the effect the proposal will have on the Prime Wildlife buffer area and include mitigation from sand inundation, provide a sand stabilization plan for each lot that is to be implemented prior to issuance of occupancy permits and includes vegetation stabilization meeting 10-7-3-F and supported by soil amendments.
7. CCRs shall be created that shall run with the properties that include sand mitigation requirements to minimize on-site sand erosion and hazards to nearby properties, planter strips/stormwater facilities and rights-of-way.

### **FCC 10-7-7**

8. Concurrent with infrastructure development construction plans, detailed plans and specifications shall be submitted for the retaining wall system. At the time of recording of the final plat, the owner shall have a mechanism for ensuring the ongoing maintenance of all sand mitigation measures. This may take

the form of CC&R's, a Home Owners Association, deed restrictions, a long-term maintenance lease or other City approved instrument.

9. The applicant shall file a final report with detailed engineered plans and specifications concurrently with the future construction and grading plans. The engineer shall: 1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans; 2. Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans; 3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.
10. The applicant shall provide a maintenance bond in an amount set by Public Works or City Code for the time specified in code for protection or restoration of the Prime Wildlife Overlay area and public infrastructure in the event of sand erosion, inundation and encroachment.
11. The applicant shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property as outlined in subsection (D) of FCC 10-7-7, Review and Use of Site Investigation Report, and shall state *"The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgement or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project." This shall be recorded prior to submittal of any additional building permit applications or prior to final Subdivision Plat."*

#### **FCC 10-32 Drinking Water Protection Overlay District**

12. The property is located within the DWP Overlay District. Any future proposed use that includes an industrial or commercial element on the Highway frontage lot shall require a design review of the highway frontage lot to include information concerning the storage, use or production of hazards or other materials not exempted in FCC 10-32-6.

#### **FCC 11-3**

13. Sheets 1, 2 and 3 of the tentative plan draft contains the name and address of the engineer. The owner's name is shown under the Owner's Declaration on Sheet 3; however, no address is given for the owner. The final plat shall contain the owner's address in accordance with FCC 11-3-2 C3.
14. The locations and widths of proposed streets are shown on the tentative plan (Sheet 2, Exhibit B). Aside from Highway 101 access at the existing location, approved under the 2018 application and managed by the Department of



Transportation, there are no previously approved adjoining streets. The plan does indicate what could be an extension of Oak St., which extends north to the edge of the property and south into the future Phase II. The applicant shall work with the City on identifying street names for additional proposed streets which meet the city code's naming convention and indicate those street names on the final plat.

15. 2' contour intervals for existing and proposed elevations are shown on a drainage plan (Exhibit E) in NAVD 1988 Datum. This exhibit was taken from the 2018 application. The applicant shall provide an updated contour interval sheet as required per FCC11-3-2 C7 which reflects the current lot proposals.
16. The radius of curves of proposed streets are shown on the Tentative plan (Exhibit B, Sheet 2). The applicant explains in the application (Exhibit H) that grading will be done post-approval of Phase 1. As such, the grading plans shall include all street grades.
17. The applicant has not provided information on what will become of the existing structures within the SI zoning district on proposed Lots 1-2. Lots 1 and 2 shall require Design Review approval prior to redevelopment.
18. No concerns were raised by Public Works specific to the provision of sewage disposal. Civil West, City Engineer of record, reviewed the storm water management plan and provided comments. With this proposal, additional density has been proposed which means an increase of impervious surfaces and future demand on the wastewater and water supply systems. Any necessary updates to the stormwater management plan, sewage disposal plans, and drainage facility deed and profiles for drainage ways shall be made in accordance with FCC Title 9, Chapters 2, 3 and 5.
19. The applicant will be expected to proceed with final survey and to make preparations for final subdivision approval within the timeframes outlined in Title 11 Chapter 3-6 & Chapter 4-4 & 4-6 unless otherwise provided for through approved and allowed extensions from the Planning Director. This tentative plan shall expire on July 29, 2023 unless an extension request is received and approved.

#### **FCC 10-36**

20. Oak St. is identified as a collector in other areas of the city and its northward extension from Fred Meyer is included in the 2012 Transportation Systems Plan's Table 10-1 as Project 6. Its funding source is identified as "Development". The applicant shall enter into a future improvement agreement/guarantee for Oak St. since it is not constructed to and through Phase 1 development. Furthermore, Oak St. shall be extended to the most southern line of what is currently labeled as Lot 47.
21. The platting of Road 1 as the sole entrance from Highway 101 will support the development of 30 residential units only (28 are shown in Phase 1a, Exhibit

B1). In order to avoid installing fire sprinkling to additional units within the phase, all residential units above 30 units in Phase 1 shall require that Oak St. is platted to the most southern part of what is shown as Lot 47 of the same Exhibit. In other words, for the purposes of this tentative application, Oak St. shall be platted to the most southern property line of Lot 47. Final approval of Phase II will trigger platting and full development of Oak St. from the most southern line of Lot 47 (Shown in Exhibit B1) and shall include platting and full development of the west leg of Munsel Lake Road.

- 22.** The applicant shall amend the final plat to reduce the block length abutting the northern property line west of Oak St in compliance with FCC 10-36-2-10.
- 23** Sidewalks are proposed along all streets on both sides. Sidewalks shall be constructed to the edges of the street ends as platted. A sidewalk design along the east side of Lot 3 will be required to meet the needs of the sand management easement and pedestrian access.
  - 23.1.** Developer shall either install sidewalks property tight on Hwy 101, design to ODOT recommendations, or agree to enter into a non-remonstrance agreement for sidewalks along their Hwy 101 frontage.
- 24.** All ADA ramps shall meet current standards at the time of installation. Addition engineering details shall be provided prior to construction of the ADA ramps to ensure that they will meet standards.
- 25.** All roads other than Oak St. shall be designed and constructed as a local street. Oak St. shall be constructed to a minimum collector width of 36' of pavement as illustrated in Figure 9-8 of the TSP and FCC 10-36.
  - 25.1** The following formula shall be used to determine the Phase 1 proportionate cost share of the Munsel Lake Road and Highway 101 signal for those projects receiving Certificate of Occupancy permits by December 31, 2022:
    1. Commensurate with FCC Title 8 Chapter 5, adjust TSP or Capital Improvement Plan (as applicable) signal cost by Engineering News Record (ENR) 20-City Composite Construction Cost Index (CCI), by the difference between the ENR CCI for the month in which the signal cost is estimated, and the ENR CCI for the month in which the certificate of occupancy is issued.
    2. Divide adjusted signal cost by the number of trips needed to meet signal warrant. (e.g.2012 cost of 490,000 divided by 2,195 trips = \$223.24 per trip)
    3. Determine number of Phase 1 project signal contribution trips by calculating corresponding percentage of total Phase 1 pm peak hour trips (e.g. 23 trips / 29 total trips =79.3% of total Phase 1 trips and applying that percentage to the total number of Phase 1 signal trips.  $23 * .79.3 = 18.239$  trips

4. Multiply the number of signal trip contributions by the cost per trip calculated in "2" (e.g. 18.239 trips \* 2012 trip cost \$223.24=\$4,071.67)

#### **FCC 11-5-2**

26. What is labeled as Lot 2 and fronts Road 1 (P. 2, Exhibit B), does not meet the definition of a lot, nor was it granted an exception as Lot 1 was (above) to continue the label of a 'lot.' Therefore, it was deemed a 'tract' by the Planning Commission in 2019 since it is irregularly shaped and does not meet the setback requirements that code outlines to be a lot. For this reason, the proposed lot shall be relabeled "Tract A" or similarly named and all other lots except for Lot 1, relabeled sequentially as conditioned with the Sandpines Ranch conditional approval.
27. Sanitary sewer service is available to the property however, the property owner(s)/developer(s) are to pay for the sewer main extension, manholes, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project.
28. Water meter locations shall share a common property line (water meter located on each side of the property line – example water meters for Lots 2 and 3 (taking into consideration the renumbering of the lots per Condition 5 shall be located at the shared Lot 2 and Lot 3 property line).
29. Stormwater: Planter strips are to be the maintenance responsibility of the property owner. Developer to provide assurances and additional details on sand management after initial construction of the street and utilities. Developer shall provide a plan on how they will address keeping sand out of the stormwater planters during and after construction.
30. Final construction plans and utility facility specifications are required to be submitted for City review and approval prior to commencing construction. City reserves the right to relocate water services, fire hydrant locations, and sewer lateral locations prior to construction plans being finalized. Referral comments submitted to Public Works and Civil West shall be incorporated into the revised plans. Stamped approval shall be shown on the utility plans prior to commencing work.

#### **FCC 10-36-4**

31. The project involves disturbance of more than 1 acre of land. The applicant shall obtain an NPDES permit from DEQ prior to issuance of development permit for the subdivision infrastructure.

#### **FCC 10-36-4**

32. All new utility lines shall be undergrounded and above ground equipment shall not obstruct vision clearance areas for vehicular traffic.

33. 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.

## VIII. EXHIBITS

"A"	Findings of Fact
"B"	Phase 1 Tentative Plan
"B1"	Phases 1a and b image
"B2"	Master Phasing Plan
"C"	Sand Management Plan, 2018
"C1"	ESCP Drawings
"D"	Sandpines Ranch FOF
"E"	Utility -Drainage and Grading
"F"	SIR 2019
"G"	Application
"H"	Stormwater Narrative and Calculations
"I"	Construction Drawings
"J"	Three Mile Prairie TIA
"K"	Referral-ODOT
"L"	Referral - Revised SOTE TIA
"M"	Referral-Public Works
"N"	Referral – SVFS
"O"	Referral – 2018 Civil West Engineering

APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, this 30th day of July, 2021.



Roxanne Johnston, Senior Planner, CFM