

Exhibit D

APPROVED
City of Florence
Community Development
Department
D
Exhibit
PC2031SUB03
File Number

APPROVED
Florence Planning Commission
Design Review Board
"A"
Exhibit
PC1849SUB03
Resolution Number

**FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
EXHIBIT A**

Public Hearing Date: May 28, 2019
Application: PC 18 49 SUB 03

I. PROPOSAL DESCRIPTION

Proposal: A request for tentative plan review of Phase 1 Lots 1-30 of Sand Pines Ranch Subdivision a 121-lot proposed subdivision north of the Bureau of Land Management property west of Fred Meyer. The plan includes platting a street for access extending west from Highway 101 located on the property of the former Sand Master Park site.

Applicant: Sand Ranch Properties, LLC and Collard Holdings
Agent of record, Kyle Honeycutt, Lavanta Consulting

Property Owners: Collard Holdings and Dave and Evonne Hatton

Location: Map 18-12-15-00 TL 200 and Map 18-12-14-20 TL 2100

Comprehensive Plan Map Designation: Medium Density & Service Industrial

Zone Map Classification: Single Family Residential and Service Industrial

Surrounding Land Use/Zoning

Site: 35.40 acres-yard debris storage & vacant / Single Family Residential (SFR)
3.32 acres-yard debris scale and accessory buildings & single-family residence / Service Industrial (SI)
North: Vacant & single-family residence / County, Suburban Residential District
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

The applicant is proposing to develop 39.52 acres into a 121-lot subdivision located north of the BLM property west of Fred Meyer. The development would ultimately be served from Highway 101 with two platted streets extending east at the north and south ends of the development. The northern access would be platted on the site of the former Sand Master Park. The southern access is proposed to platted and serve as the eastern extension of Munsel Lake Road.

The proposed subdivision site would be constructed over six phases. This application is for Phase 1 tentative subdivision, Lots 1-30. This phase includes platting a street from Highway 101 to the development and platting an additional 5 streets. Lots 3-9 along the north include a 50' easement along their northern edge for conducting sand management. Lots 3 through 30 are zoned Single Family Residential District which permits lot area minimums of 6500 sq. ft. The applicant proposes lots ranging in size from 7,010 sq. ft. to 10,333 sq. ft. The two Service Industrial lots are bisected by the proposed highway access road. This district does not include lot size minimums. It does however include setback and frontage requirements. They have indicated the fronts of lots as permitted in the code definition of front lot line. They meet the frontage requirements as proposed but not by code definition whereby the narrowest street frontage (200'). Lot 2 would be challenged to meet the setbacks with a typical development due to its unusual lot shape. So, while the lot would be legal its buildability would be restricted. This issue is unresolved and requires Planning Commission decision.

III. NOTICES & REFERRALS

Notice: On May 7, 2019 notice was mailed to surrounding property owners within 100 feet of the property. The property was posted on May 7, 2019. Notice was published in the Siuslaw News on May 22, 2019.

At the time of this report, the City had not received any comments on the proposal.

Referrals: On May 8th referrals were emailed to Central Lincoln PUD, Oregon Department of Transportation, Siuslaw Valley Fire and Rescue, and Public Works. Contact with these agencies for this project was originally made in December and January.

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

Civil West Engineering Services: Engineering professional peer review entity for the City of Florence. They specifically provided review on the stormwater drainage plan, sand management plan and street naming. The findings include conditions to affect the peer review.

Oregon Department of Transportation: Requested applicant file an "Upgrade to an Existing State Highway Approach" permit to the ODOT District 5 Maintenance.

Public Works: Public Works Director Mike Miller supplied comments on sewer, water, sidewalks, streets, and sand management. The findings include conditions to effect the requested changes.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code

Title 10: Zoning Regulations, Chapters

- 1: Zoning Administration, Sections 1-4, 1-5, and 1-6-3
- 3: Off-Street Parking and Loading, Sections 3, 4, and 8
- 7: Special Development Standards, Sections 2, 3, 4, 6, and 7
- 10: Restricted Residential District, Section 7
- 11: Single Family Residential District, Sections 4 and 5
- 31: Service Industrial District, Sections 4 through 7
- 32: Drinking Water Protection Overlay Zone
- 35: Access and Circulation, Sections 2 through 4
- 36: Public Facilities, Sections 2 through 9

Title 9: Utilities

- 5: Stormwater Management Requirements, Sections 1 through 7

Title 11: Subdivision Regulations

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

Realization 2020, Florence Comprehensive Plan

- Chapter 2, Land Uses, Policy 7, Residential Policies 3, 4, & 11
- Chapter 5, Open Spaces & Scenic, Historic & Natural Resources, Policies 1 & 2

V. FINDINGS

Code criterion are listed in **bold**, with findings beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6-3 LAND USE HEARINGS:

- A. **Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**

10. Subdivisions.

Applicant is proposing Phase 1 Tentative Subdivision Plat. Review applies as per 10-1-1-6-3 and a hearing is required.

B. Notification of Hearing:

1. **At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
2. **Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.**

Notification of the quasi-judicial land use hearing for this application was mailed on May 7, 2019, 21 days prior to the hearing, to all property owners within 100 feet of the subject property. A notice was also published in the Siuslaw News one time on March 22, 2019. Criterion are met.

C. Notice Mailed to Surrounding Property Owners – Information provided:

1. The notice shall:

- a. **Explain the nature of the application and the proposed use or uses which could be authorized;**
- b. **List the applicable criterion from the ordinance and the plan that apply to the application at issue;**
- c. **Set forth the street address or other easily understood geographical reference to the subject property;**
- d. **State the date, time and location of the hearing;**
- e. **State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
- f. **State that application and applicable criterion are available for inspection at no cost and will be provided at reasonable cost;**
- g. **State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**

- h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- i. **Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

The notice mailed to surrounding property owners consistent with the criteria noted above. The application was properly noticed and these criteria are met.

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

The Planning Commission met and decided upon the application in accordance with FCC 2-10.

E. Action by the Planning Commission:

1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

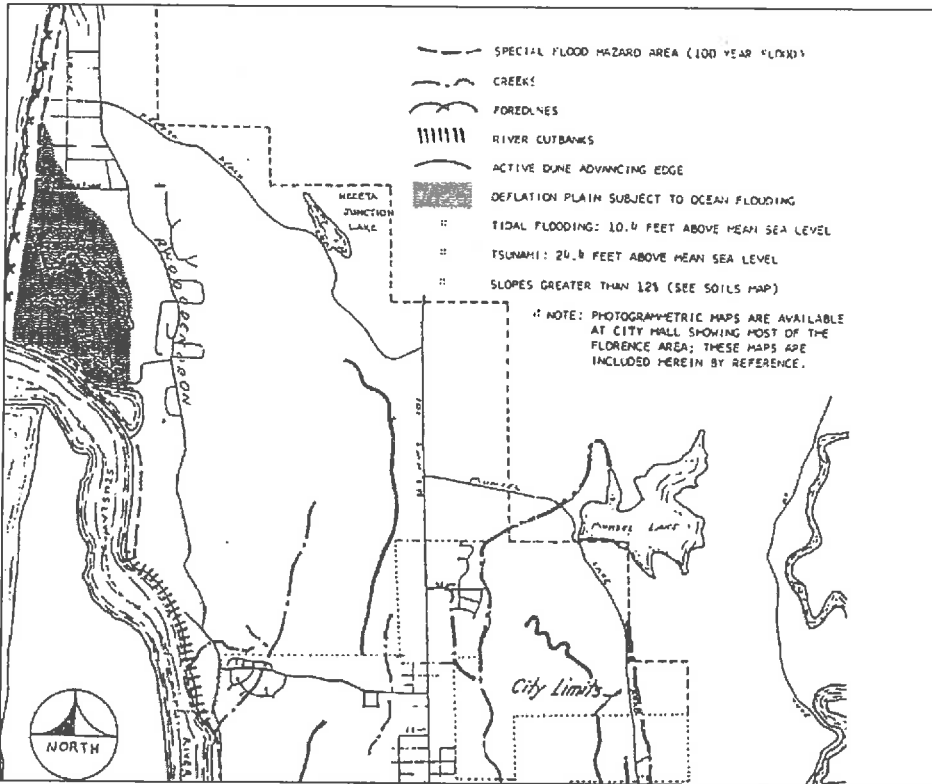
The Planning Commission will receive all evidence deemed relevant at the public hearing. The Planning Commission may deny approval should they determine that insufficient evidence has been provided to indicate that the application meets the applicable criterion. The burden to supply such evidence is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

TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS

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

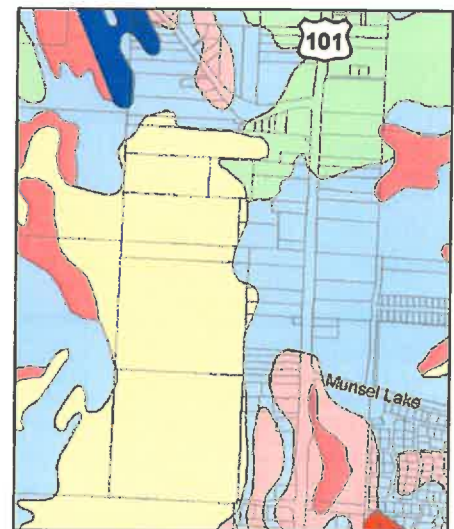
A. "Hazards Map", Florence Comprehensive Plan Appendix 7.

The below Hazards Map excerpt illustrates the site is near or the source of the active dune advancing edge. The applicant's Sand Management Plan section 3.4.1 states the edge is along the eastern property line having migrated over the years.



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

The soils map excerpt illustrates the site contains Dune Lane (yellow) 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 road 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.



- 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.**

The 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. This buffer area shall be demarcated on site with a flagged sand fence or other city approved protection measure. **(Condition 4.1)**

- 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 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.

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 35th St. The applicant in their site investigation report state 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. This is discussed further in the "Active Dune Sand" portion of the report as well as Civil West Engineering's peer review comments.

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.

The applicant proposes slopes greater than 12 percent within the 50' easement of the northern lots, west of Lot 113 and south of lots 15 and 17. The final grading plan designed and prepared by a registered engineer shall also address foundations for lots adjacent to grades greater than 12%, their drainage and revegetation. (Condition 4.2)

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.

The applicant provided a preliminary grading and drainage plan for the Phase 1 and perimeter area (Exhibit E2) and a site grading plan for the entire development in the Sand Management Plan illustrated in Appendix C. The sand management plan addressed the development as a whole. A phased sand management plan was not discussed. The 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. These comments addressed the proposal when it was the entire development was proposed for review and approval.

Civil West and Public Works have the following comments on the Sand Management Plan: 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. Public Works requested the developer to provide assurances and additional details on sand management occurring after initial construction of the street and utilities. Developer to 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 and Lots 104 and 96 for final build-out. 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 4.3)

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 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 properties east of the Oak St. area adjacent to grading 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. 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 and rights-of-way. (Condition 4.4)

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 area is not proposed for alteration and is not included in the review other than protection of those areas are 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. A revised form was submitted April 29, 2019.

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. 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 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 4.5)

- 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 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 4.6)

- 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 4.7)

- 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 4.8)

- 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.

TITLE 11 SUBDIVISION REGULATIONS

11-1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

This chapter is applicable for the definitions contained within. The applicant has paid the applicable fee and to staff's knowledge and the record of materials provided has performed nothing contrary to the land division approval criteria included within.

11-3: MAJOR PARTITION, TENTATIVE PLAN PROCEDURE

11-3-2: TENTATIVE PLAN REQUIREMENTS:

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

FINDING: The Tentative subdivision plan was filed in accordance with FCC 10-1-1-4.

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

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

FINDING: The Tentative subdivision plan has been prepared by an Oregon registered engineer at a scale of 1 inch = 80 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: The name "Sand Pines Ranch" is reserved for this subdivision and is shown on the Tentative plan. There is no other subdivision in the County with the same. The nearest sound-alike or similar name is Sandpines West. The name will be forwarded to Emergency Services for review and input prior to Final Plat approval.

- 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 There are no adjoining subdivisions shown on the Tentative plan. This criterion is met.

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

FINDING: The name and address of the engineer is shown on the plat. The name and address of the engineer or surveyor, applicant and the owner shall be shown on the Final Plat. (Condition 5.1)

- 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. There are no previously approved adjoining streets. The plat does illustrate proposed Oak St. extending north to the edges of the property and south into the future phase. The applicant had proposed street naming which can be seen on some of the application materials. The names did not meet code. The applicant has removed the names from the plat and proposes to work with the City on identifying names which meet the city code's naming convention.

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 the drainage plan in NAVD 1988 Datum. This criterion is met.

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. Street grades are shown on the drainage plan. This criterion is met.

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 3-9 and 7' wide utility connection easements along all external property lines. 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. 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 for all lots are shown on the Tentative plan. 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 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 illustrates the proposed redevelopment of the highway frontage property (Lot 1) as a manufactured home model sales lot. The district is not zoned for this use. However, state law permits location of model homes on a lot platted within a subdivision for the purpose of selling home/lots. Lot 1 will need a Design Review approval prior to redevelopment as a sales lots for the subdivision. (Condition 5.2) Lots 3 through 29 are proposed to be single family uses. Lot 2 has no proposed use and is zoned Service Industrial. Lot 30 is for future phase subdivision.

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 will be from the City of Florence. The preliminary utility plan submitted with the accompanying tentative plan illustrates the method of providing public services to the site. Refer to Exhibit E1, Utility Plan Water and Wastewater. Pressure levels were provided as well as sizing and location of pipes. No concerns were raised by Public Works specific to the provision of water.

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 included (See Exhibits E1, E2, C, and the stormwater drainage plan). 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. Criterion is met.

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 tentative plan (Exhibit C). 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 which has passed 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: Grading information is submitted and discussed elsewhere. Criterion is met.

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 on the Tentative plan as well as the legal description. 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 subdivision application was received on December 12, 2018. Notice was sent on December 27, 2018 to ODOT, Siuslaw Valley Fire and Rescue, Oregon Dept. of Transportation, Public Works and Central Lincoln PUD and again on May 8, 2019. Responses have been provided by ODOT and PW.

11-3-4: APPROVAL OF TENTATIVE MAJOR PARTITION OR SUBDIVISION:

After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Commission or its designee shall grant approval or deny the major partition Tentative plan. The hearing decision and further consideration of a similar application shall be governed by paragraphs 10-1-1-5-D and E of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. The Planning Commission may require its designee to submit any tentative approval to the Commission for review prior to notification of the applicant. In the event of a denial, the application shall be reviewed by the Planning Commission within forty five (45) days. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord 30, Series 1990).

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

- B. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.**

FINDING: Evaluation of the proposed subdivision suggests that approval would not impede the future best use of the remainder of the property (Lot 30) under the same ownership or adversely effects its safe and healthful development (and that of lands surrounding). 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 Commission 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 major partition map or subdivision plat, as the case may be. Tentative plan approval shall be effective for two years within which time the application and major partition map or application and subdivision plat must be submitted as required by this Title. An applicant may apply to the Planning Commission 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. (Amd. Ord 30, Series 1990). (Amd. Ord. 12, Series 1999).

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 Commission. (Condition 5.3).

11-5 PLATTING AND MAPPING STANDARDS

11-5-1: STREETS:

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

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.

The proposed project includes Oak St. a collector which is included in the TSP and thus requires construction participation. The proposal includes partial construction of Oak St. The applicant shall enter into a future improvement guarantee for Oak St. since it is not constructed to and through Phase 1 development. (Condition 6.1)

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

Block length maximum of 600' and minimum of 100' are met. Block perimeter of 1400 is met. After consulting the definition in Title 11 Chapter 1 for "Block Length" it was found to not apply to the situation of Lot 30 as it is found to be undivided acreage and thus meets one of the locational criteria for which a block can be situated between.

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.**

The street ends do not include temporary turnarounds. Temporary turnarounds shall be constructed on street ends greater than 150' in length and shall be constructed to Oregon Fire Code standards. Public Works requests installation of typical end of street barricade with signage stating "Street to be extended with future development". Depending on timing of the future phases the barricade can be in the form of City detail F-216A or a Type 3 barricade with signage stating "street to be extended ..." (Condition 6.2)

Street Dimension and design, Intersection design, sidewalks, bicycle lanes, planter strips:

As proposed, the streets all meet the minimum dedication width of 60'. The street extending west from the highway is proposed to be classified as a Collector. The only collectors identified in the TSP near this proposal are Oak and Munsel Lake Road. As proposed, collector road 1 has the same pavement width as a local street therefore it is not SDC eligible. All roads other than Oak St. shall be designed and constructed as a local street. (Condition 6.3)

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.

Developer shall either install sidewalks property tight on Hwy 101 or agree to enter into a non-remonstrance agreement for sidewalks along their Hwy 101 frontage. (Condition 6.4) 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 6.5)

In accordance with Title 10 Chapter 1 a traffic impact analysis was conducted by the applicant which has been provided to ODOT for review. Operational analyses of the study area included Phase 1-2020, Phase 2-2021 and Full-buildout-2025. The traffic impact study states the development contributes 1220 total trips. 203 total PM peak trips will be generated by the Sand Pines Ranch development as proposed by 2025 buildout, 29 of these are 2021 Phase 1 trips. 23 of the 29 Phase 1 trips are Highway 101 and Munsel Lake Rd. (101/MLR) intersection originating. (Condition 6.6 a) Only Phase 1 101/MLR intersection originating trips (23) are addressed under this criterion of proportionality. Future phases will require updated TIAs to access 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 construct the improvements. The Access Engineering TIA states Phase 1 of the Sand Pines Ranch project with a 2020 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, 2020 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. (Condition 6.6 b) 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, 2020:

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. Calculate Phase 1 signal costs by multiplying Phase 1 signal trips by cost per signal trip (e.g. 23 trips * \$223.24 (2012 signal per/trip cost)
4. Calculate per lot signal contribution by dividing total Phase 1 signal contribution by 27 contributing lots (Lot # 3-29). (e.g. \$5,134.52 / 27=\$190.17). (Condition 6.6c)

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. As conditioned this criterion is met.

ODOT provided referral comments and conditions for inclusion in the City's land use approval process. They are as follows:

"Based on the reviewed land use notice material, the proposed 27 lot residential subdivision will not trigger the need for a new ODOT approach permit. In order to rebuild the existing southern approach to US101 and improve the highway frontage the applicant will need to submit an application for an Upgrade to an Existing State Highway Approach to the ODOT District 5 Maintenance. If for any reason the new approach is not dedicated as a public road then the applicant is strongly advised to obtain cross-over access easements so that any newly partitioned lots will be able to legally use the existing approach to US101." The applicant shall apply for and receive an "Upgrade to an Existing State Highway Approach" prior to modification of the highway access. (Condition 6.7)

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 light standards, and sidewalks.

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. They are located at the terminus at each end of Oak St. and roads connecting to future phase extensions and to adjoining properties including 3-Mile Prairie 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 of not less than fifty feet (50') upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty five feet (35') upon a street, measured on the arc. Where either a public water supply or public sewers are not presently provided, the lot frontage shall be sufficient to insure an adequate sized lot to meet State and County requirements**

FINDING: Lot Size and Dimensions: The Phase 1 subdivision plan includes residential lots that are 66, 80 and 70' wide and 90 and 130' deep. The residential lot depth dimensions adjacent to the streets are illustrated as less than the required 80' depth because they have rounded corners at street intersections. By definition lot depth is measured at the center of the lot and thus meet the minimum lot depths. All residential lots are greater than the minimum 6500 sq. ft. area. The residential criteria are met.

The Service Industrial lots are both corner lots and measure 190' and @ 63' wide at their narrowest lot frontage and thus do not meet the 200' minimum. Title 11 Chapter 7 and subsection B below permit exceptions whereby a hardship is created and modification is necessary for purposes such as previous lot layout or dimensions or a satisfactory plan is provided whereby open space will be maintained for use of the residents. The criteria for the Service Industrial code are met with a grant of exception under FCC 11-7 or a condition for open space provision under FCC 11-5-B.

Planning Commission decided, after hearing testimony from the applicant and their desire for Lot 2 to be open space, Lot 2 shall be relabeled to a Tract and lots renumbered accordingly. Lot 1 was found to meet the exception opportunity available in Title 11 Chapter 7 due to its previous lot dimensions. Since Lot 1 is a through lot its front lot line shall be along Highway 101.

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: All of the lots proposed within Phase 1 meet the lot size and frontage requirements. This criterion is met.

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. Both Public Works and Civil West found that the proposal as submitted thus far meets the city's code and design standards with a few corrections. These are Condition 6.8 and include:

Sewer: Sanitary sewer laterals cannot connect directly to manholes and shall share a common property line in as much as practical. Local Road 4 and Local Road 3's southern manholes shall be located in the intersection of Local Road 2 and Local Road 3 and at Local Road 2 and Local Road 4. Stub sewer to the south end of both Local Roads 3 and 4. Sewer to be terminated with clean out at the correct invert elevation to allow extension to the south in future phases. Manhole at the west end of Local Road 1 can be eliminated and terminated with a sewer clean-out for future extension.

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 3 and 4 shall be located at the shared Lot 3 and Lot 4 property line).

Stormwater: Planter boxes in the rights-of-way are to be the maintenance responsibility of the HOA. Developer to provide assurances and additional details on sand management after initial construction of the street and utilities. Developer to 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.

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 Public Works and Civil West shall be incorporated into the revised plans. Stamped approval will be shown on the utility plans prior to commencing work. (Condition 6.9)

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 6.10)

10-36-5: UTILITIES: All new utility lines must be undergrounded and above ground equipment shall not obstruct vision clearance areas for vehicular traffic. (Condition 6.11)

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 6.12

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 Sand Pines Ranch 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. Ternyik, published by OCZMA.
- B. Where problem areas are identified in the Phase I checklist, a full-scale Phase II site investigation will be required covering only those problem areas identified in the Phase I checklist. This site investigation must be prepared and paid for by the applicant. Before approval would be granted the site investigation would have to prove either:
 - 1. That upon specific examination of the site, the condition which was identified in the Comprehensive Plan Inventory did not exist on the subject property; or
 - 2. That harmful effects could be mitigated or eliminated through, for example, foundation or structure engineering, setbacks or dedication of protected natural areas.
- C. Specifically, areas shown on the Hazards Map and the Soils Map of the Comprehensive Plan will require a Phase II site investigation report. Studies which have been adopted or included in the Comprehensive Plan by reference or studies done subsequent to the adoption of the Plan may be used to determine when a site investigation report is needed.

This was addressed earlier in the report.

TITLE 10 Chapter 32 Drinking Water Protection Overlay District

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. The proposed use includes a commercial element on the Highway frontage lot. It is not anticipated to however to include storage, use or production of hazardous materials. The applicant shall with design review of the highway frontage lot include information concerning the storage, use or production of hazards or other materials not exempted in FCC 10-32-6. (Condition 7)

VI. CONCLUSIONS

The proposed application meets the requirements of City Code with conditions and subject to conditions.

VII. EXHIBITS

"A"	Findings of Fact
"B"	Tentative Plan
"C"	Site Plan and Typicals
"D"	Phasing
"E1"	Utility Plan- Water and Wastewater
"E2"	Utility Plan-Drainage & Grading
"F"	Existing Conditions
"G1"	Sand Management Plan
"G2"	Site Investigation Report Form
"H"	Storm Water Management Plan
"I"	Sand Pine Ranch TIA
"J"	Application
"K"	Referral-Civil West
"L1, 2, & 3"	Referral-ODOT
"M"	Referral-Public Works