FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
Exhibit "A"

Public Hearing Date:	August 25, 2020	**Planner:**	Roxanne Johnston, CFM
Date of Report:	August 18, 2020		
Application:	PC 20 07 PUD 01 PC 20 08 SUB 01		

I. PROPOSAL DESCRIPTION

Proposal: Application approvals for a Preliminary Planned Unit Development (PUD) and a Tentative Subdivision (SUB) in order to develop an approximately 9.28 acre residential Planned Unit Development. This proposal includes 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units. Amenities to support this PUD include a pavilion, picnic areas, seating, a children's play area, walking trails, dog park, and pocket garden. Access to the development is proposed via a private internal drive with two entrances from Rhododendron Dr., alleyways providing rear access to single-family attached unit garages and lanes providing access to single-family detached units.

Applicant: Mercedes Serra with 3J Consulting, representing APIC Florence Holdings, LLC

Property Owners: APIC Florence Holdings, LLC

Location: Northeast intersection of Rhododendron Dr. and 35th St.

Site: Assessor's Map # 18-12-15-33, Tax Lot 0700; Map # 18-12-15-34, Lots 3800, 3900, 4000, 4100 & 4200; & Map # 18-12-22-21, Lot 1900

Comprehensive Plan Map Designation: Medium Density Residential

Zone Map Classification: Mobile Home/Manufactured Home Residential (RMH)

Surrounding Land Use / Zoning:

Site:	Vacant / (RMH)
North:	Single-family residences/ (RMH)
South:	Single-family residences/ (RMH)
East:	Single-family residences/ (RMH)
West:	Single-family residences/ Low Density Residential (LDR)

Streets / Classification:

West - Rhododendron Drive / Minor Arterial; South - 35th St. / Collector; East **-** Siano Loop / Local; North - None

II. NARRATIVE:

In order to review and address key concerns posed through testimony provided by area residents, the applicant requested that the original public hearing on July 11, 2020 be continued to August 25, 2020. Public testimony was not heard at that July meeting; however, the option for the public to submit testimony remained open until the rescheduled August 25, 2020 Planning Commission meeting.

In reviewing the many concerns included in testimony submitted to date, two central concerns appear: traffic safety and stormwater management. Others include density, loss of greenbelt, tsunami evacuation routes (as this relates to density and traffic), lighting and reduced quality of life. Testimony may be found under Exhibit L.

The Florence Golf Links proposed phased project is located on 9.28 acres comprised of multiple tax lots with Sandpines Golf situated to the north and northeast, Sea Watch Estates to the west, and Siuslaw Village to the south. The most southern tract located at the NE intersection of Rhododendron Drive and Siano Loop was platted in 1975 as Lot "A" of the Siuslaw Village subdivision. The 1976 Conditions, Covenants and Restrictions for Siuslaw Village called for the lot to be used commercially. A 1992 masterplan for the Sandpines Golf subdivision identifies a former NACO West RV campground that the plan originally intended to retain as a campground in support of the golf course community and to possibly serve as RV storage for residents of the golf club community. In 2003, a new masterplan was proposed to convert the former campground into its Phase 2 development plans. For this phase, the area was to contain a gated three-story condominium project with 186 units with a pond in the center of the complex.

Although nearly unrecognizable today due to vegetation encroachment on the former campsites, remnants of the former campground store remain in the form of a large concrete slab and underground pipes that would be removed with approval of this application. Existing conditions include a wealth of native mature trees, Rhododendrons, Salal and other typical brush found in these coastal thickets. The unimproved ground would need grading in order to accommodate the proposed development. A drainage ditch and 36" culvert lies within the property and conveys stormwater from neighboring properties to Rhododendron Drive.

The current proposal calls for 49 attached residences, located south, west and centrally, 31 detached residences located along the east side of the project, and two multi-family complexes, located on the NW and SW of the project, each containing respectively 23 units with an overall total of 46 Multi-family units. None of the proposed structures exceed 30 feet in height.

Because these applications are related to a residential PUD, the applicant is asking for several exceptions (modifications) not permitted outright in the underlying district (RMH), but may be allowed with Planning Commission approval, through the Planned Unit Development process. These include: 1) increased lot coverages, 2) reduced setbacks, 3) reduced parking pads, 4) reduced lot sizes, 5) increased density, 6) reduced internal lane widths, 7) reduced street widths than normally allowed by code, 8) lots served by private lanes instead of streets, and, 9) an exception from the required on-site parking spaces for 8 units; meaning that these 8 spaces would be off-site within parking along the private loop road.

Title 10, Chapter 23 lays out the requirements for applicant/developer of a PUD for modification requests. Although the codes for these are listed in the body of these FOF, a summary of how the applicants have met or will be conditioned to meet them are here. The applicant has been required to submit a Design Review application for the multi-family and attached housing units

and they will need to demonstrate that the proposed standards exceed those of Old Town and Mainstreet Architectural Standards through design, materials, and colors.

Chapter 23 also calls for the incorporation of unique land forms into the final PUD design. In this case, there are no unique land forms (vegetation does not fit under this definition); however, the applicant proposes placing the Multi-family westward nearer Rhododendron instead of eastward against several Sandpines neighbors. A 6' cedar perimeter fence has been proposed with this application.

This same chapter also calls for the provision of more than the minimum recreational space. This item has been conditioned as the plans do not specifically dimension open space/recreation spaces. Also conditioned is the requirement for additional recreational opportunities (including passive) since the provision of required sidewalks do not count towards the recreational opportunity. The applicant has provided one playground. Many other opportunities could be furnished such as an area for horseshoes, workout stations along the sidewalks, a badminton court and similar activities listed in the chapter.

Chapter 23 calls for more items, but they have been demonstrated by the applicant to meet the requirements.

Sheet A-5, labeled "Master Plan Overall" in Exhibit D, A-5 provides a color-coded visual of the housing types and their respective locations.

The project is proposed to develop in two phases; with an estimated start date of October 1, 2020 and completion date of February 1, 2022 for Phase 1A, and for Phase 1B to start February 1, 2022 and end December 1, 2022. The total density upon completion is projected to be 13.6 units per acre.

III. NOTICES & REFERRALS:

Re-noticing: On August 5, 2020, signage was posted on the subject property and notice was mailed to surrounding property owners within 300 feet of the property. The public hearing notice was published in the August 19, 2020 edition of the Siuslaw News.

Prior Notice: On June 23, 2020 notice was mailed to surrounding property owners within 300 feet of the property. Signage was also posted on the property on June 23, 2020, and the public hearing notice published in the July 8, 2020 edition of the Siuslaw News.

At the time of this report, the City received written testimony that has been summarized and added collectively to the Exhibits.

Referrals: On June 14, 2020, referrals were sent to required recipients.

At the time of this report, the City received comments from the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI) in support the of this proposal, yet understand that the area may contain cultural resources. Therefore, they request immediate contact upon discovery of known or suspected cultural resources and "given at least 72 hours' notice prior to any ground disturbance activities, to ensure that a staff person or designated Tribal member of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians may be present during ground disturbing activities.,"(Exhibit I).

Century Link advised staff that there were buried cables running through the site. Moving the lines would be the expense of the developer. Also, he states locates should be taken at each CTL pedestal along Rhododendron Dr. (Exhibit M)

Hydrogeologists from Water Solutions, Inc., recommend that the City require the developer to design the storm water infiltration system so that there is no net increase of infiltration post-development, (Exhibit P). Their methodology is discussed under Title 9, Utilities, Chapter 5.

Siuslaw Valley Fire and Rescue submitted a letter discussing fire hydrant placement and related codes (separation requirements, and no parking areas around hydrants, for example), the placement of exterior key boxes to access sprinkler riser rooms, and sprinklers (for the single-family detached units) in lieu of fire apparatus access, (Exhibit N).

Staff submitted a Wetland Land Use Notification Review request to the Oregon Department of State Lands. The reply back from DSL was a recommendation for a qualified wetland consultant to provide a Wetland Delineation study, (Exhibit Q.1). The applicant provided this study to the City, (Exhibit Q) and Pacific Habitat Services concluded that no wetlands were present on the subject properties. Submittal and concurrence to DSL is still required.

James R. Hanks, PE performed a peer review of the Traffic Impact Analysis and his comments are included in this report. Additional comments will be provided in advance of the hearing.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code:

Title 10: Zoning Regulations, Chapters

1: Zoning Administration, Sections 1-4, 1-5; 1-6-3; 1-7
2: General Zoning Provisions, Section 2-3, Sections 2- 8 and 2-13
3: Off-Street Parking and Loading, Sections 3 through 11
6: Design Review. Section 6-6
7: Sections 1, 2, 3H, 6 and 7
10: Residential Districts. Sections 1, 2, 3, Table 10-10-3-A, 4, 5, 7, & 9
23: Planned Unit Development, Sections 1 through 10 and Section 15
34: Landscaping, Sections 2 through 5
35: Access and Circulation, Sections 2-2 through 2-14, 3-1 through 3-4.
36: Public Facilities, Sections 2-1 through 2-5; 2-7, 2-8; 2-10 through 2-19; 2-22, 2-23; and Sections 3 through 9
37: Lighting, Sections 2 through 6

Title 9: Utilities

Chapter 5: Stormwater Management Requirements, Sections 1 through 7

Title 11: Subdivision Regulations, Chapters

1: Subdivision Administration, General Provisions, Sections 1 through 6
3: Subdivision Tentative Plan Procedure, Sections 1 through 4, and 8
5: Platting and Mapping Standards, Sections 5-1 through 5-4
7: Application for Modification

Florence Transportation System Plan

Florence Parks and Recreation Master Plan

Realization 2020 Florence Comprehensive Plan

V. FINDINGS

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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.

[…]

3. Type III (Quasi-Judicial) Procedure (Public Hearing). Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

The proposed consolidated application for the preliminary residential PUD and tentative subdivision was submitted on a City of Florence land use form and deemed "Complete" as of May 11, 2020. The nature of the proposal requires a Type III (Quasi-Judicial) procedure with a public hearing whereby notice is provided. The notification procedures meet the requirements of FCC 10-1-1-5.

[…]

E. Traffic Impact Studies:

1. Purpose of Traffic Impact Study: The purpose of a Traffic Impact Study is to determine:

a. The capacity and safety impact a particular development will have on the City's transportation system;
b. Whether the development will meet the City's minimum transportation standards for roadway capacity and safety;
c. Mitigating measures necessary to alleviate the capacity and safety impact so that minimum transportation standards are met; and
d. To implement section 660-012-0045(2)(e) of the State Transportation Planning Rule.

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:

a. A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.

b. Any proposed development or land use action that may have operational or safety concerns along its facility(s), as determined by the Planning Director in written findings.

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.

d. […]

e. […]

3. Traffic Study Requirements: In the event the City determines a TIS is necessary, the information contained shall be in conformance with FCC 10-35-2-5, Traffic Study Requirements.

The applicant submitted a preliminary TIS completed by Kittleson & Associates, Inc., an engineering firm located in Portland, Oregon. In response to public testimony, peer review by James Hanks, and discussion with staff, the applicant re-submitted the TIS with updates to include data from Oak Street intersections, (Exhibit G1). The TIS is discussed under code listed in Title 10, Chapter 35 of these Findings of Fact and a peer review of the revised TIS is underway. This criterion regarding submission of a TIS has been met.

10-1-1-5: GENERAL PROVISIONS

A. 120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)

1. The City shall take final action on housing applications meeting the criteria of ORS 197.311 within 100 days.

B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.

2. When proceedings are consolidated:

a. The notice shall identify each application to be decided.

b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.

c. When appropriate, separate findings shall be prepared for each application. Separate decisions shall be made on each application.

On August 5, 2020, notice was mailed to surrounding property owners within 300 feet of the property. Signage was already present. The public hearing notice was published in the August 19, 2020 edition of the Siuslaw News.

Original notification of the quasi-judicial land use hearing for this planned unit development consolidated application was mailed on June 24, 2020, 20 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on July 8, 2020.

The notification procedures for both public hearing dates meet the requirements of FCC 10-1-1-5.

On July 14, 2020 the applicant provided a request to reschedule the hearing and provided an extension of the 120-day processing time to October 21, 2020. These are included as Exhibit C2.

C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

1. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.

a. The required forms.

b. The required, non-refundable fee.

c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

2. Completeness.

a. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.

b. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above.

c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

d. Coordinated review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

The consolidated application was received by City staff on February 14, 2020. After checking for completeness, staff discovered the application lacked a Title Report. Due to the project size, staff provided preliminary feedback in a Notice of Incompleteness. This notice was sent on March 13, 2020. The applicant responded to the letter with revised plans and supplied a copy of the Title Report. The application was deemed "Complete" as of May 11, 2020. Referrals were sent for a coordinated review on June 14, 2020.

D. City Planning Official's Duties. The City Planning Official (Director) or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions.

2. Accept all development applications that comply with the requirements of this Chapter.

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report and findings may also provide a recommended decision of: approval, denial; or approval with specific conditions that ensure conformance with the approval criteria.

4. Prepare a notice of the proposal decision:

a. In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of decision is issued.

b. In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven (7) days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 10-1-1-6-1 (Type I), 10-1-1-6-2 (Type II), 10-1-1-6-3 (Type III), or 10-1-1-6-4 (Type IV).

The current Staff Report, Findings of Fact and Exhibits have been prepared and were available for examination and upon request on August 18, 2020. Additionally, materials related to the application were posted on the City's website. These criteria have been met.

The original public hearing date of July 14, 2020 Planning Commission meeting was postponed at the applicant request to August 25, 2020. All noticing for the July 14, 2020 Planning Commission meeting were in accordance to the above codes.

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL 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:

B. Notification of Hearing:

1. At least twenty (20) days prior to a Type III (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 Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

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

1. The notice shall:

a. Explain the nature of the application and the proposed use or uses which could be authorized;

b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;

c. Set forth the street address or other easily understood geographical reference to the subject property;

d. State the date, time and location of the hearing;

e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;

f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;

h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

On August 5, 2020, notice was mailed to surrounding property owners within 300 feet of the property. Signage was already present and were restocked with the revised notice. The public notices contained the information in the above code. The public hearing notice was published in the August 19, 2020 edition of the Siuslaw News.

Original notification of the quasi-judicial land use hearing for this planned unit development consolidated application was mailed on June 24, 2020, 20 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on July 8, 2020. The notification procedures meet the requirements of FCC 10-1-1-5.

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. **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.**

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

A request for a Preliminary Planned Unit Development and Tentative Subdivision Plat for a proposed development of 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units requires Planning Commission review with a public hearing and therefore represents a Type III Quasi-judicial process. Once the decision has been made by the Planning Commission, a Notice of Decision will be sent according to this Section.

10-1-1-7: APPEALS: Under this Title, any limited land use or quasi-judicial decision may be appealed in accordance with the procedure listed below. Administrative decisions may be appealed to the Planning Commission. Planning Commission decisions may be appealed to the City Council.

A. A notice of intent to appeal must be filed by an affected party, which includes persons testifying orally or in written form at the hearing held on the matter.

B. Such appeal shall be initiated within twelve (12) calendar days of the date of the mailing of the decision by filing written notice of appeal with the City of Florence Community Development Department. The person filing the notice of intent to appeal shall also certify the date that a copy of the notice was delivered or mailed by first class mail postage prepaid to all other affected parties. If an appeal is not received by the city no later than 5:00 pm of the 12th day after the notice of decision is mailed, the decision shall be final.

C. If the applicant has signed an "Agreement of Acceptance" and there is no other party who could appeal the decision, the appeal period is waived.

D. The written petition on appeal shall include:

1. **A statement of the interest of the petitioner to determine standing as an affected party.**

2. **The date of the decision of the initial action.**

3. **The specific errors, if any, made in the decision of the initial action and the grounds therefore.**

4. **The action requested of the Planning Commission or Council and the grounds therefore.**

5. A certification of the date that a copy of the written petition on appeal was delivered or mailed by first class mail postage prepaid to all affected parties.

E. The review of the initial action shall be confined to the issues raised upon appeal and be based on the record of the proceeding below, which shall include:

1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered as evidence.

2. All materials submitted by the City staff with respect to the application.

3. The minutes of the hearing (if applicable).

4. The Findings on which the decision is based.

5. The notice of intent to appeal or the requests for review and the written petitions on appeal.

6. Argument by the parties or their legal representatives.

F. The Body hearing the appeal may affirm, reverse or amend the decision and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and ordinances. The Council may also refer the matter back to the Planning Commission for additional information. When rendering its decision, the Body hearing the appeal shall make findings based on the record before it and any testimony or other evidence received by it.

G. Whenever two members of the City Council submit to the Community Development Department a written request for review within twelve (12) days of the date of the mailing of the Planning Commission decision, the Council shall review the decision of the Planning Commission. Each request for review shall identify the issues that the affected parties are to address. The Community Development Department shall deliver or mail by first class mail a copy of the requests for review to all affected parties and to the other members of the Council. Such requests for review shall be considered an appeal, with all affected parties allowed an opportunity to submit written petitions on appeal within the time specified in paragraph A of this subsection. Each person filing a written petition on appeal shall be heard by the Council. The Council shall review the record to determine whether there is sufficient evidence to support the findings, whether the finds are sufficient to support the Planning Commission decision, and where appropriate, whether the decision of the Commission is a proper interpretation of the applicable ordinances.

H. Any action or decision by the City Council arising from an appeal, except a referral back to the
Planning Commission, shall be final and conclusive.

I. The Council, by resolution shall establish a schedule of filing fees for all appeals from final decisions of the Planning Commission. Council shall use the following criteria in establishing such a fee schedule; that the fee charged bear some relation to the City's cost in processing the appeal; and that the fee or fees charged be consistent in amount with fees charged by similar municipalities or agencies. (Amd. by Ord. No. 30, Series

This section provides an appeal process.

CHAPTER 2 GENERAL ZONING PROVISIONS

10-2-3: BUILDING SETBACK REQUIREMENTS: When the Master Road Plan or Zoning Plan indicate that a right of way will be widened, the setbacks required (front, side and rear yards) shall be measured from the proposed expanded right of way.

A. Front Yard: Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yard; except that eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over three and one-half feet (3 1/2') high may be built within a front yard.

B. Side Yards:

1. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the district or zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet (2').

2. The Planning Commission may, upon the joint request of the owners of the adjoining property, permit the erection of private garages, or other buildings, except buildings housing animals, upon or immediately adjacent to the division line between the two (2) properties after an examination of the location and findings have revealed that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor the district in which such permission is granted. The foregoing provision shall be limited to the life of the structure or structures for which the permit is issued.

The City of Florence has a road widening project planned along Rhododendron Drive. It does not, however, require the widening of the existing available right of way. The applicant has taken this in to consideration during the preliminary planning phase of the PUD project and will be constructing a 10-foot wide multi-use path extending along the east side of Rhododendron Drive. The applicant is requesting a modification to the setbacks required per the underlining zoning district as Chapter 23 Planned Unit Developments (PUDs), Section 10-23-5. H allows their proposed request for relaxed setbacks without a separate variance or adjustment application, providing the proposed modifications meet criteria outline in the Section, which is cited in more detail under the code provided in these Findings of Fact.

10-2-8: GUARANTEE OF PERFORMANCE: The City may require that a cash deposit, surety bond or other such guarantee be posted to insure that full and faithful performance by the parties involved.

CHAPTER 3 OFFSTREET PARKING AND LOADING

10-3-3: MINIMUM STANDARDS BY USE: The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

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

The applicant is proposing a mix of parking opportunities which include one and two car garages, covered and uncovered parking lots, side parking pads and off-site parking in private drive areas. All are proposed to incorporate improved surfaces with storm drainage handled internal to the project. A Table has been

created to breakdown the parking requirements versus the proposed parking and can be found in section 10-3-4 of these Findings of Facts. This criterion has been met.
[…]

C. The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the Planning Commission. This parking demand analysis may include an acceptable proposal for alternate modes of transportation, including a description of existing and proposed facilities and assurances that the use of the alternate modes of transportation will continue to reduce the need for on-site parking on an on-going basis. Examples of alternate modes include but are not limited to:

1. Transit-related parking reduction. The number of minimum parking spaces may be reduced by up to 10% if:

a. The proposal is located within a ¼ mile of an existing or planned transit route, and;

b. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant.

The nearest transit stop is located in excess of ¼ mile from the project. These criteria are not applicable.

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

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

A. Residential and Commercial Dwelling Types:

Single Family Dwelling including attached and detached dwellings and manufactured homes	**2 spaces per dwelling unit on a single lot**
Multiple-family dwelling **Studio & one bedroom units** **Two-bedroom units** **Three-bedroom units or larger**	 **1 space per unit** **1 1/2 spaces per unit** **2 spaces per unit**

The proposed development incudes 31 detached and 49 attached single family dwellings (five of which are one-bedroom units) requiring 160 spaces. The proposed apartments will provide 24 studio/one bedroom units and 22 two-bedroom units, which require 58 parking spaces, 29 in each development since each provides its own associated parking areas on opposite sides of the PUD. A total of 218 parking spaces are required for the development.

The detached and attached homes will provide parking within single or double car garages. The applicant proposes one of the required parking spaces for each of 25 of the 31 single-family detached homes to be provided on a parking pad located to the side of the home.

Attached home plans predominately call for two car garages. Five attached units contain single car garages and would normally require two as bedroom counts only apply to triplex and greater. The attached single family dwelling portion of the development is deficient 5 spaces.

The multi-family developments each require 29 on-site spaces. The southern development provides 35 while the northern provides 26 spaces. The northern complex is deficient 3 spaces.

The overall development provides 216 spaces in the locations required by code. In these last two instances, per Title 10, Ch. 23, Section 10-25-3 C, the Planning Commission may determine if the applicant may use off-site grouped parking to count for the 8 deficient spaces. Without approval, the project is deficient eight spaces and an exception would be required to the on-site parking requirements.

In the Final PUD application, it is recommended that the number of garage spaces be provided in a table for ease of discussion.

UNIT TYPE	# REQUIRED PARKING SPACES PER CH. 3	# PROPOSED SPACES
Single-Family Attached (49) Single-Family Detached (31)	98 62	93 62
Multi-Family Surface Parking **Per Site:** 12 studio/one-bedroom 11 two-bedroom (46 total units on 2 sites)	12 (@1 per Unit) 17 (@ 1.5 per Unit) **29 per site**	Southern: 35 Northern: 26
TOTAL # OF SPACES	**218**	**216**
Required ADA Spaces	4	4
Private On-Street Parking	-	46*

**Some of these spaces are located in areas adjacent to hydrants and will not be available.*

The above table demonstrates a shortage of eight on-site parking spaces across 5 units and 1 apartment complex. The five single bedroom attached single family dwellings may generate a lower parking demand with conscientious renting and/or purchase. The three parking spaces deficient in the northern multiple family development have 3 perpendicular parking spaces available in the loop road adjacent to the development. There are approximately 46 on-street spaces available for the 126 units. However, the proposed number of street parking will need to be revised to accommodate fire lanes where fire hydrants are to be located, where parking is not allowed. This requirement has been conditioned elsewhere in these FOF.

It is found that an exception is acceptable. The multiple family deficient parking spaces are partially mitigated by parking seemingly set-aside in the loop drive and the single-family dwellings in PUDs can be authorized by PC to have a single parking space.

10-3-5: VEHICLE PARKING - MINIMUM ACCESSIBLE PARKING:

A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off-street parking requirements in Table 10-3-1;

B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;

C. Accessible spaces shall be grouped in pairs where possible;

D. **Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;**

E. **Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.**

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	**Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)**	**Van Accessible Parking Spaces with min. 96" wide access aisle**	**Accessible Parking Spaces with min. 60" wide access aisle**
	Column A		
1 to 25	**1**	**1**	**0**
26 to 50	**2**	**1**	**1**
51 to 75	**3**	**1**	**2**
76 to 100	**4**	**1**	**3**
101 to 150	**5**	**1**	**4**
151 to 200	**6**	**1**	**5**
201 to 300	**7**	**1**	**6**
301 to 400	**8**	**1**	**7**
401 to 500	**9**	**2**	**7**
501 to 1000	**2% of total parking provided in each lot**	**1/8 of Column A****	**7/8 of Column A*****
1001	**20 plus 1 for each 100 over 1000**	**1/8 of Column A****	**7/8 of Column A*****
***vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces**			

The applicant is proposing four (4) ADA accessible spaces in total; one per each cluster of multifamily units. Grouping them together is not proposed nor required. Building Codes will require one to serve each building. The current parking plans do not provide comprehensive parking space measurements including ADA parking and off-site parking. For the Final PUD application, the applicant shall submit to the Planning Department an updated dimensioned parking lot plan on Sheet C-5, [Condition 4].

10-3-7: OFF-SITE PARKING: Except parking for residential uses, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the City has approved the off-site parking through Design Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed or easement. The Planning Commission may grant approval for off-site parking only if affirmative findings can be made to the criteria listed in 10-3-7.

A. **The location of the parking facility will not be detrimental to the safety and welfare of residents in the area; and,**

B. **Reasonably safe pedestrian access will be provided from the parking facility to the building or use requiring the parking; and,**

C. The property owner of land for which a building or use requires off-site parking has recorded a covenant agreeing to require any occupant or tenant to maintain such parking facilities; and,

D. The applicant requesting off-site parking has furnished a copy of a deed showing ownership of the property or a recorded exclusive, perpetual easement granted by the property owner of the land for which the off-site parking is to be located, use of the off-site property for parking purposes in perpetuity.

The property is currently under single ownership. Residential lots are to be sold individually. Since the proposal calls for internal street parking within turnouts adjoining the private street, which will contain utilities, sidewalks and landscaping; the easements and maintenance plan for these shall be properly dedicated through the Conditions, Covenants and Restrictions. Additionally, these easements shall be noted on the Final Plat, [Condition 5].

10-3-8: PARKING AREA IMPROVEMENT STANDARDS: All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete , porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

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

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

2. One parking space per unit may be provided on a driveway if the following criteria are met:
a. Driveway spaces shall measure at least nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments are allowed into the required parking spaces.
b. Driveway spaces shall not extend into the public right-of-way.
c. The number of parking spaces provided as a carport or garage shall not fall below one (1) space per unit.

3. Off-street parking for single-family attached dwellings on the front of the building and driveway accesses in front of a dwelling are permitted in compliance with the following standards:
a. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet (12') wide on any lot.
b. The garage width shall not exceed twelve feet (12'). Garage width shall be measured based on the foremost four feet of the interior garage walls.

4. Off-street parking for single-family attached dwellings not on the front of the building are permitted in compliance with the following standards:
a. Development abutting a rear alley shall take access from the alley.
b. Development that includes a corner lot without a rear alley shall take access from a single driveway on the side of the corner lot. Street classifications, access

spacing, or other provisions may require adjustment or variance process. See Figure 10-3-8A.2.b.
c. Development that does not include a corner lot and does not abut a rear alley shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front of the building and the front lot line of any of the single-family attached dwellings. See Figure 10-3-8-A.2.c.

The single-family detached units include one covered and one uncovered parking space for 25 of the units and double car garages for the other six units. The parking pads for the detached units do not meet the dimension requirements, rather they propose spaces that are 8' x 18'. The proposal needs an exception for the proposed parking pad dimensions.

The single family attached units are served by/consolidated on two lanes/alleys. This criterion is met for the attached dwellings. No parking spaces in the development shall have any encroachments that reduce the size or availability of the spaces.

C. All parking areas except those required in conjunction with a single-family, duet or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.

D. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.

The applicant has proposed tucked parking under the multifamily buildings and provided fencing plans to screen adjacent residential properties. (Exhibit E-L2). This criterion has been met.

E. Except for parking areas required in conjunction with a single-family or duplex dwelling, all parking areas shall provide:

1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph D2 of this subsection.

2. Except for places of ingress and egress, a five foot (5') landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Planning Commission may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.

F. No parking area shall extend into the public way except by agreement with the City.

No parking is planned that would extend into the Loop Road public way. Lane encroachments are unknown but probable with the proposed reduce parking pad dimensions. Right-of-way encroachments are prohibited. Curbs are proposed along the parking areas within the multi-family units. This criterion has been met.

G. Except for parking in connection with dwellings, parking and loading areas adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight obscuring fence or evergreen hedge of not less than three feet (3') nor more than six feet (6') in height, except where vision clearance is required. Any fence, or evergreen hedge must be well kept and maintained.

H. Lighting: Refer to Section 10-37 of this Title for requirements.

I. Except for single-family, duet and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.

J. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.

K. Planning review is required for all parking lot construction or resurfacing.

L. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:

1. **Individual parking and loading spaces.**
2. **Circulation area.**
3. **Access to streets and property to be served.**
4. **Curb cut dimensions.**
5. **Dimensions, continuity and substance of screening, if any.**
6. **Grading, drainage, surfacing and subgrading details.**
7. **Obstacles, if any, to parking and traffic circulation in finished parking areas.**
8. **Specifications for signs, bumper guards and curbs.**
9. **Landscaping and lighting.**

The applicant has supplied the detailed plans required by this section with exception of a dimensioned parking plan [Condition 4]. Once provided and confirmed that it is correct by staff, these conditions will be met or conditioned to.

M. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:

1. **Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.**
2. **May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)**

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for single-family and duplex homes) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.

B. Each space shall have double line striping with two feet (2') wide on center.

C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.

D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;

E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;

F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
Space	**Parking Angle <°**	**Stall Depth**		**Aisle Width**		**Stall width**	**Curb Length**
		Single	**Double**	**One Way**	**Two Way**		

Dimensions in feet		(C)	(E)	(D)	(D)	(B)	(F)
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	334	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

Although the applicant has provided a schematic of the parking spaces and lots, their dimensions are not shown on the plans on Sheet C-5, [Condition 4]. Additionally, they are requesting modification through the PUD process of their parking stall depth and widths on the uncovered single family detached lot spaces. The requirement is 9 feet, six inches by 19 feet. The applicant is proposing 8 feet by 18 feet stalls.

10-3-10: BICYCLE PARKING REQUIREMENTS: All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.

A. Minimum Size Space: Bicycle parking shall be on a two (2) feet by six (6) feet minimum.

For single-family detached and attached housing, parking is planned within garage spaces by hanging bike racks. For both Multi-family North and South complexes, refer to 10-3-10 C of this Section, below.

B. Minimum Required Bicycle Parking Spaces. Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.

Since the project is residential and no commercial uses proposed, this subsection is not appliable. However, the provision of short term bicycle parking is recommended.

C. Long Term Parking. Long term bicycle parking requirements are only for new development of group living and residential uses of three or more units. The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building Tri-plex, Quad-plex, Cluster Housing or Multi-Family= 1 per 3 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.

Both Multi-family North and South sites are planned to contain 23 dwelling units at each site which requires 8 bicycle parking stalls per site. Sheet A-11 indicates the provision for 4 bicycle parking spaces on the ground floor in each building in groups of two—so 8 per site. There is also a covered storage area located within the ground floor of one of the buildings on each site which might provide additional opportunities, (EXHIBIT D, Sheet 11). This criterion has been met.

D. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.

E. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

F. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.

G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

Each multi-family apartment site will have 8 covered parking spaces in groups of 2, four in each building

and a storage area located within the ground floor of one of the buildings. The parking closets and storage area are located closer to the building than the parking area and will be easily accessible to bicyclists within the buildings to bicyclist entering the property from the internal drive. According to the Applicant Narrative (Exhibit C, p.11), bicycle parking will be secure and within the building and lit. On-site signage indicating bicycle parking areas will be required per this Section with signage plans submitted and approved prior to permitting, [Condition 6].

H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.

The proposed bicycle parking has not been located in an area that will impede or create a hazard for pedestrians or conflict with vision clearance standards. This criterion has been met.

10-3-11: LOADING AREAS:

A. Purpose. The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

B. Applicability. This section applies to residential projects with fifty (50) or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

This Section is not applicable to the proposed PUD. The rational to justify this conclusion is that both Multi-family complexes combined contain under 50 units. Additionally, each of the proposed single-family attached and detached units will be situated on one lot (site) and owned individually in the future.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-6: ARCHITECTURAL DESIGN: The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon's traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

In applicable zoning districts such as Old Town and Mainstreet, the City Planning Official, the City Planning Official's designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.

In order for the code exceptions to be permitted, all of the dwellings this development must meet the criteria applicable to dwellings in Old Town. This includes but is not limited to materials, colors, vertical and horizontal offsets, window types, trim, eaves, rake and soffit features, etc.

The applicant did not request nor provide enough information for a Type II Design Review for the multi-family and attached homes. Type II Design Reviews for the multi-family and attached residential units shall be applied for and associated fees paid so these standards may be better evaluated, [Condition 7].

Additionally, the applicant shall provide architectural details concurrently with the building permits for the single-family detached housing. An associated architectural review fee will be required unless determined otherwise by the Planning Director, [Condition 8].

[…]

CHAPTER 7 SPECIAL DEVELOPMENT STANDARDS

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with wetlands or riparian areas and potential problem areas, such as natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. Compliance with these standards is required in order to obtain a permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. (Amended Ord. No. 10, Series 2009)

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

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

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

C. "Beaches and Dunes Overlay Zone." See Chapter 19 for overlay zone requirements. Where conflicts exist between that chapter and this one, the more restrictive requirements shall apply.

D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.

E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)

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.

[…]

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 City of Florence Soils Map and the applicant's Stormwater Management Report illustrates Yaquina soils in the NE corner of the project site. The presence of such soils triggers the requirement of a Phase I Site Investigation Report unless the hazard is found to not be present or there are other standards available to mitigate the risk. Also, the Florence Area Local Wetlands and Riparian Inventory (2013 Plan) illustrates two locations of probable wetlands on site. A 2015 wetlands study performed on the site found wetlands in the limited project area in the southern portion of the site. In July the applicant provided a wetland delineation from Pacific Habitat, the same company who performed Florence' Wetlands Inventory. Staff made notification to DSL about the project. Comments were received from DSL citing two studies that had identified wetlands on site and that said DSL concurrence should be requested prior to site disturbance. The applicant shall provide staff with a Phase 1 Site Investigation which will explain the treatment of the Yaquina Soils, prior to grading. The applicant shall provide DSL the wetlands delineation and obtain concurrence prior to site disturbance, [Condition 12].

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.

B. Specific Standards for Phase II Site Investigation Reports will be determined on the basis of the information provided in the Phase I Site Investigation Report. At a minimum, specific standards shall address the following (may include more than one category listed below):

1. The SIR Phase II - Geologic Report shall follow the "Guidelines for Preparing Engineering Geologic Reports in Oregon" as adopted by the Oregon State Board of Geologist Examiners or shall meet the requirements for Site Investigation Reports as required by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The SIR Phase II – Geologic Report shall address the following:

a. An explanation of the site and scope of the study area (e.g.

subdivision, by lot specific, or for public improvements)

b. An explanation of the degree the condition affects the property use in question;

c. An explanation of the measures to be employed to minimize detrimental impacts associated with the condition;

d. An explanation of the condition-associated consequences the development and the loss-minimizing measures will have on the surrounding properties.

2. Soils: The Site Investigation Report shall address the following development constraints for the soil types.

[…]

a. Waldport - These are sand dunes which are covered with stabilization vegetation. Conditions are moderate to severe, depending on slope. The particular need here is to preserve existing vegetation and to stabilize soil which is disturbed.

Drainage is not a problem. Areas with slopes greater than 12% should not be built on unless a site investigation determines the site to be buildable.

a. Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.

[…]

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. This is addressed under subsection E, below.

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.

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.

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."

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)

Due to the presence of Yaquina Soil identified in the Preliminary Stormwater Management Plan, (Exhibit F), a Phase I Site Investigation Review checklist must be provided to Planning staff prior to excavation. A Phase II report may be required depending on the findings of the Phase 1.

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 8.a.].

CHAPTER 10 RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE:

[…]

C. Mobile Home/Manufactured Home Residential (RMH): The Mobile Home/Manufatured Home Resiential District is intended to provide mobile home/manufactured owners and owners of other pre-manufactured homes an alternative to renting space in a mobile home/manufactured home park. It is further the intent of this District to establish areas within the City for permanent installations of mobile homes/manufactured homes, primarily for resident owners, and to establish certain design features enabling mobile homes/manufactured homes to blend with conventional housing.

[…]

A. Table 10-10-2-A. The following table indicates which uses are permitted in each residential zone.

USES	LDR	MDR	RMH	HDR
[…]				
Planned Unit Development	D	D	D	D

P= Permitted with Type 1 review, […], D=Type III Planning Commission Review

A Planned Unit Development is allowed within an RMH zoning district after a Type III Quasi-Judicial review by the Planning Commission. This criterion has been met.

10-10-3: NON-RESIDENTIAL USES

A. Table 10-10-3-A. The following table indicates which uses are permitted in each residential zone.

USES	LDR	MDR	RMH	HDR
[…]				
Recreation facilities for use of residents or guests as part of an approved PUD	P	P	P	P
[…]				

P =Permitted with Type 1 review, SR= Type II site review required, C=Type III conditional use review required and N=Not permitted

10-10-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, a lot must meet the following minimum lot dimensions:

Table 10-10-4-A. Minimum Lot Dimensions by Development Type[1]

	LDR		MDR		RMH		HDR	
Type	**Width**	**Depth**	**Width**	**Depth**	**Width**	**Depth**	**Width**	**Depth**
All development types including single-family detached[2], except:	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.
Single-family attached dwelling or duet (single unit)	N/A	N/A	25 ft.	80 ft.	25 ft.	80 ft.	25 ft.[3]	80 ft.[3]
Manufactured Home Park	N/A	N/A	50 ft.	80 ft.	35 ft.	70 ft.	35 ft.	70 ft.

[1] Undersized lots of record with dimensions below the minimum may still be eligible for development. See Section 10-10-12.[2] Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-b.[3] The single-family attached dwelling dimensions shall also apply to single-family detached dwellings in the HDR zone.

B. Minimum Lot Area: To be designated a building site, a lot must meet the following minimum lot area:

Table 10-10-4-B. Minimum Lot Area by Development Type.[1]

Development Type	LDR	MDR	RMH	HDR
Single-family detached dwelling	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
Single-family attached dwelling	N/A	3,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.
Duplex or Duet (both units)	N/A	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
Tri-plex	N/A	7,500 sq. ft.	7,500 sq. ft.	5,000 sq. ft.
Four-plex	N/A	10,000 sq. ft.	10,000 sq. ft.	5,000 sq. ft.
All other development types[2]	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

[1]Undersized lots of record with area below the minimum may still be eligible for development. See Section 10-10-12 of this Title.[2] Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-a.

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

	LDR	MDR	RMH	HDR
Maximum building coverage	50%	50%	50%	75%
Maximum coverage by all impervious surfaces	75%	75%	75%	85%

D. Yard Regulations: Unless an adjustment or variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:

Table 10-10-4-D. Minimum setbacks and yard regulations.

	LDR	MDR	RMH	HDR
Front				
Primary	10 ft.	10 ft.	10 ft.	5 ft.[1]
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
Side				
Primary[2]	10 ft.	5 ft.	5 ft.	5 ft.[1]
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	5 ft.	5 ft.	5 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
Rear[1]				
Primary	10 ft.	5 ft.	5 ft.	5 ft.[1]
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	10 ft.	10 ft.	10 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.

[1]Single-family detached and duplex dwellings in the HDR District shall have the same front, side and rear yard regulations as the MDR District.

[2]Minimum side setbacks may be reduced to zero feet (0') for attached primary structures where they share a common wall with a structure on an adjacent lot.

[3]For a corner lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner" both lot or parcel lines are the front line. The sum of these setbacks shall not fall below the sum of the minimum front and side yard requirements for primary building and no setback shall be below the minimum primary side yard requirement for the district.

10-10-4: LOT AND YARD PROVISIONS

The site plans did not include the above information. The applicant's narrative however does include tables with the proposed lot dimensions, total PUD building and impervious coverage, lot area, and setbacks. The applicant seeks modifications/exceptions through the Planned Unit Development section 10-23-5.H, for the following: parking within a side yard setback to allow for a parking pad on the single-family detached lots, minimum setbacks and yard regulation, and minimum lot area.

[…]

3. When a multi-family use adjoins a single-family detached use, the multi-family use shall be set back from shared lot lines one additional foot for each foot of height over twenty-eight feet (28'), except that the required setback shall not exceed twenty feet (20') from any lot line.

The Multi-family structures exceed the required setbacks from adjoining residential uses. This criterion is met.

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

	LDR[2]	MDR[3]	RMH[3]	HDR
Minimum net density (units/acre)	**-**	**-**	**-**	**12**
Maximum average net density (units/acre)	**-**	**12**	**12**	**25[1]**
[1]Maximum average net density may be increased in the High Density Residential District through a PUD. See FCC 10-23. [2]Maximum Density is calculated using minimum lot size for use(s) proposed. [3]Existing undeveloped (infill) lots use lot sizes in Table 10-10-4-B. Subdivisions, partitions, lot line consolidations, and replats use 12 units per acre for MDR and RMH.				

The applicant is proposing a higher density ratio of 13.6 units per acre instead of 12 units per acre since this is a Planned Unit Development and allowable with Planning Commission approval through Chapter 23, 10-23-5 H of this Title.

10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Primary Structures: The maximum building or structural height shall be thirty-five feet (35'). Excepting High Density District which shall permit forty feet (40'), limited to three (3) stories.
feet (28').

2. Accessory Structures: The maximum building height shall be twenty feet feet (20').

3. […]

4. Strucures in the HDR, LDR, MDR and RMH shall have a minimum roof pitch of 3/13, except mobile homes in the mobile /manufactured home parks or district.

The plans for all proposed building structures do not exceed 35 feet in height. The single-family detached homes have a maximum height of 27 feet, nine inches., the single-family attached homes have a maximum height of 30 feet, and the multi-family a maximum height of 31 feet, ten inches.These height profiles are displayed on Sheet A-13 of Exhibit D. All proposed buildings will have a minimum roof pitch of 5:12 and a maximum roof pitch of 12:12 , an equivalent to a 45 degree angle. These criteria have been met.

B. Fences: See Code Section 10-34-5 of this Title

C. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definition, and requirements.

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

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

F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for
requirements.

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

H. Public Facilities: Refer to Section 10-36 of this Title for requirements.

I. Lighting: Refer to Section 10-37 of this Title for requirements.

The applicant has submitted plans that indicate and/or illustrate placement of fencing (Sheet C-8), visual clearance (Sheet C-3) off-street parking (Sheet C-5), landscaping (Sheets L1 through 4,), access and circulation (Sheet C-5, public facilities (Sheet C-4, C-7 & C-8), and lighting, (Sheet C-6). All of these sheets may be found in Exhibit H. Pages 22 and 23 of the Narrative also discuss these items, (Exhibit C).

10-10-7: ATTACHED HOUSING:

A. Applicability: Single-family attached dwellings, duplexes, tri-plexes, and four-plexes are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Attached Housing standards shall apply.

1. […]

C. Approved Criteria:

a. Construction Criteria:

a. Maintenance easement: No building permit shall be issued for an attached development unless the applicant provides a copy of a recorded easement rom the owners of contiguous properties providing for reasonable egress.

On page 24 of the Narrative (Exhibit H), the applicant states that a maintenance easement will be recorded and submitted to the City prior to the issuance of building permits. The applicant shall submit a draft statement that outlines the maintenance easement to the Planning Department with the Final PUD and Final Subdivision plat application. This agreement may be incorporated within the draft Conditions, Covenants, and Declarations document, which will also be required, per Chapter 23, Section 10-23-6 of this Title, [Condition 9].

b. Number of attached units allowed: No more than 4 consecutive units that share a common wall or walls, roof, or foundation are permitted. A set of 4 attached units is allowed to be adjacent to a separate set of 4 attached units.

The proposed development features attached units in combinations of three and four consecutive units. This criterion has been met.

2. Dimensional Standards: In addition to the standards listed in 10-10-4, attached housing must meet the following:

a. Interior side setback: Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet. This standard shall also apply to accessory structures.

A modification to the minimum setback and yard regulations has been requested by the applicant through a Planned Unit Development. Section 10-23-5.H of Chapter 23 of this Title allows for the modification of the underlying zoning requirement, including setbacks. The proposed setbacks have a proposed side setback of three feet for the exterior wall not contiguous to an interior side lot line. These setbacks can be found on Sheets C-2.1 through C-2.5, Exhibit H. The applicant is seeking an exception through the PUD process.

3. Open Space: Developments of four (4) or more units shall provide and maintain open space for the use of all occupants. Open space shall have the following characteristics:

a. Not less than ten feet (10') in width or depth at any point.

b. Located on land with grade less than five percent (5%) slope

c. Cleaned sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.

d. Not used for temporary or regular parking of automobiles or other vehicles.

e. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80).

f. Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

g. Open space may be provided as private open space for single-family attached dwellings.

The proposed development will provide 49 attached and 31 detached single-family units and 46 multi-family units. Based on the requirement of 100 square feet of area per dwelling unit, 12,600 square feet of open space is required. Sheet A-2 in Exhibit D contains a table demonstrating that the applicant is proposing 81,751 square feet of open space, which is 69,151 square feet over the requirement for open space. Of that, 25% of the area, 29,907 square feet, is recreation space and is also reflected within Sheet A-2. The conditioning of the open/recreation space is discussed in

The proposed open space will not be less than ten feet in width or depth at any point. A variety of recreation areas will be provided, including a central green which will include a children's play area, a pavilion, picnic areas, lawn, native grove and walking trails Two pocket gardens are to provide native plantings, walking trails and seating areas for residents. A series of garden courts which include lawn, walking trails, a shelter, and picnic area are provided. A small fenced dog park with a seating area has also been provided. These can be viewed on Sheet L-2 in Exhibit E. Condition 13a. addresses the need for additional recreational opportunities.

The grading plan shown in Sheet C-7, Exhibit H indicates that all slopes within the project are less than 5%. Due to all of the design elements that are proposed, it is clear that recreation areas will be sufficiently cleared of obstructions. Ongoing maintenance responsibilities of the landscape shall be written into a Conditions, Conventions and Regulations for the development and submitted in draft form to the Planning Department with the Final application, [Condition 9].

4. Architectural Details:

a. Approved exterior building wall materials:

i. Lap siding., board and batten siding, shingles and shakes. Metal siding shall not be permitted.

ii. Vinyl siding is permitted if it meets the following standards:

1. The style emulates lap siding board and batten siding, shingles and/or shakes.

2. The vinyl is ultraviolet- and heat-stabilized.

3. Panels are a minimum thickness of 0.044 inches.

4. **Soffit panels are a minimum thickness of 0.050 inches.**

5. **Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.**

6. **Siding is installed with sufficient space at openings, slopes and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.**

iii. **Brick or stone masonry with a minimum 2 ¼" deep solid veneer material**

iv. **Cement-based stucco**

v. **Secondary materials: any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary material, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non-reflective and compatible with the overall building design, subject to approval. Secondary materials may be used on up to 30% pf the façade.**

Page 26 of the applicant's Narrative (Exhibit C) explains that the proposed material will include a combination of cementitious board and batten siding, coastal shingle, and cottage lap siding throughout the development. Examples of these materials are provided on Sheets A-7 through A-10 of Exhibit D. This criterion is met.

b. **Single-family attached and duet dwellings shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the following options:**

i. **A covered porch or patio of at least sixty square feet with a minimum depth of five feet (5') between the main entrance and the street.**

ii. **Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet (3'), and not more than six feet (6'), from grade.**

The front entries have been located along yet outside of central open space for a private street with covered entry porch of at least 60 square feet with a depth of five feet between the main entrance and the street. This criterion is met. All single-family attached units will have rear-loaded garages accessible from private alleyways. The porch areas shall be labeled and dimensioned within the Final PUD application, [Condition 10].

5. **Off-Street Parking: Attached Housing must meet all of the applicable standards outlined in Section 10-3 of this Title.**

6. **Fences: Attached Housing must meet all of the applicable standards elsewhere in Section 10-34-5 of this Title.**

The above items have been addressed in these Findings of Fact in more detail under their respective Chapters within this Title.

10-10-9: MULTI-FAMILY DWELLINGS:

A. **Applicability: Developments of five (5) or more attached residential units are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Multi-Family Dwellings standards shall apply.**

The proposed PUD features four multi-family dwellings containing either 11 or 12 residential units each.

B. Siting and Design Criteria:

1. **Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty feet (30') except where buildings are arranged end to end. Except in such a case, there shall be at least a ten foot (10') separation and no doorway or entry may open into the space between the buildings.**

Each of the four buildings have been located to provide a minimum of 30 feet of separation between each building. They are separated by parking lots and landscaped areas. Although each building contains several units, they are all located under one central roof system, end to end. These criteria have been met.

2. **Public Facilities: In addition to requirements listed in Section 10-36 od this Title, the developer of a multi-family dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site.**

The developer proposes to provide all utilities needed on the building site. This criterion has been met.

3. **Open Space. Developments of five (5) or more units shall provide and maintain at least one common open space for the use for all occupants. The open space shall have the following characteristics:**
   a. **Not less than ten feet (10') in width or depth at any point.**
   b. **Located on land with less than a five percent (5%) slope.**
   c. **Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.**
   d. **Not used for temporary or regular parking of automobiles or other vehicles.**
   e. **Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)**
   f. **Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.**

The proposed development will provide 49 attached and 31 detached single-family units and 46 multi-family units. Based on the requirement of 100 square feet of area per dwelling unit, 12,600 square feet of open space is required. Sheet A-2 in Exhibit D contains a table demonstrating that the applicant is proposing 81,751 square feet of open space, which the applicants proposes is 69,151 square feet over the requirement for open space. An additional 29,907 square feet of recreation space is provided in the proposal and is also reflected within Sheet A-2. The subject of open space requirements, as they relate to requests for code modifications, is conditioned in Condition 13a.

The proposed open space will not be less than ten feet in width or depth at any point A variety of recreation areas will be provided, including a central green which will include a children's play area, a pavilion, picnic areas, lawn, native grove and walking trails Two pocket gardens are to provide native plantings, walking trails and seating areas for residents. A series of garden courts which include lawn, walking trails, a shelter, and picnic area are provided. A small fenced dog park with a seating area has also been provided. These can be viewed on Sheet L-2 in Exhibit E.

The grading plan shown in Sheet C-7, Exhibit H indicates that all slopes within the project are less than 5%. Due to all of the design elements that are proposed, it is clear that recreation areas will be sufficiently cleared of obstructions. Ongoing maintenance responsibilities of the landscape shall be written into a Conditions, Conventions and Regulations for the development and submitted in draft form to the Planning Department with the Final application process per Chapter 23, Section 10-23-6 of this Title, [Condition 9].

4. **Design Standards: Multi-family buildings must meet all applicable design criteria of FCC 10-6-6-4 and 10-6-6-5, with the following exceptions:**
    a. **10-6-6-4. G.**
    b. **10-6-6-5. F.2**
    c. **10-6-6-5. G.3.**
    d. **Vinyl siding may be permitted if it meets the following standards:**

        1. **The style emulates lap siding, board and batten siding, shingles and/or shakes.**
        2. **The vinyl is ultraviolet-and heat-stabilized.**
        3. **Panels are a minimum thickness of 0.044 inches.**
        4. **Soffit panels are a minimum thickness of 0.050 inches.**
        5. **Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.**
        6. **Siding is installed with sufficient space at openings, stopes and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.**

Page 26 of the applicant's Narrative (Exhibit C) explains that the proposed material will include a combination of cementitious board and batten siding, coastal shingle, and cottage lap siding throughout the development. Examples of these materials are provided on Sheets A-7 through A-10 of Exhibit D. A Type II Design Review application for reviewing the Multi-family and attached housing units will be required, [Condition 7].

5. **Off-Street Parking: Multi-family development must meet all of the applicable standards outlines in Section 10-3 of this Title.**

6. **Fences: Multi-family development must meet all of the applicable standards outlined in Section 10-34-5 of this Title.**

Off-street parking and fencing discussions may be found under the Chapters indicated in the above sections. These criteria have been met.

CHAPTER 23 PLANNED UNIT DEVELOPMENT

10-23-1: PURPOSE: The Planned Unit Development authorization is intended to:

A. Encourage the coordinated development of unplatted land.

B. Encourage innovative land utilization through a flexible application of zoning regulations.

C. Preserve the natural amenities of land and water.

D. Create opportunities for a wide variety of life styles by creating a variety of dwelling types that help meet the needs of all income groups in the community.

E. Provide for the efficient use of public utilities, services and facilities.

F. Result in a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.

The applicant proposes a residential PUD which they believe meets the stated purposes and intent of the PUD regulations. Page 29 of the applicant's narrative (Exhibit C) explains that site is sufficiently large enough to warrant comprehensive planning rather than traditional lot-by-lot development. The applicant

proposes a variety of housing types with flexibility in the placement and arrangement of buildings, "use of open space, circulation, parking and density to promote a safe, attractive, stable and efficient residential development." Sheet C-8 illustrates the proposed public and private utilities and facilities, (Exhibit H).

10-23-2: DEFINITIONS: As used in this chapter, the following words shall mean:

COMMON IMPROVEMENTS: Include utilities and other facilities reserved in common ownership.

NET DEVELOPMENT AREA: Area of property exclusive of public or private roads, or parkland.

PUBLIC IMPROVEMENTS: Improvements that include utilities, parklands, and facilities that will be dedicated to the public and maintained by the City.

PLANNED UNIT DEVELOPMENT: Development of a unified site design for an area of land that allows deviation from specific site development standards while observing general purposes of the zoning regulations.

10-23-3: DEVELOPMENT OPTIONS: A PUD may include any of the following land uses, either singly or in combinations when they are compatible with each other and blend harmoniously with adjacent uses:

A. For the Low Density Residential District:

1. **All uses permitted in the designated zoning district including uses requiring design review.**
2. **Single family attached dwellings**
3. **Duplexes, triplexes and quadplexes.**
4. **Multi-family dwellings**
5. **Open space and Parklands**

B. For all other districts:

1. **All permitted uses in the designated zoning district including uses requiring design review**
2. **Triplexes, quadplexes and multiple-family dwellings**
3. **Open Space and Parklands (Ord. No. 2, Series 2001)**
4. **Commercial uses**
5. **Temporary use of vacant lots for RV use**

The proposed development includes a combination of both single-family attached and detached units and multifamily units. All proposed uses are allowed within the RMH zoning district upon Planning Commission approval through a Planned Unit Development.

10-23-4: GENERAL CRITERIA: Applicant must demonstrate that the development conforms to all the following criteria:

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

Page 30 of the Applicant's Narrative (Exhibit H) and paraphrased here, refers to the intent and purpose of the Florence Realization 2020 Comprehensive Plan. They state that the intent of the Plan is to establish a coordinated land use planning process and policy framework to guide land use decisions and related actions; assure an adequate factual basis for those decisions and actions; and to comply with the appliable requirements of state law.

The applicant further provides that the stated purpose of the Plan is to provide the Florence City Council with a definitive set of policies to guide future development of the community; enable the Council to view

specific projects against desirable long-range development decisions; provide a suitable forum for public discussion; convey community concerns regarding physical development problems and opportunities as they relate to social and economic issues; and to provide a framework by which standards may be applied to achieve a viable and aesthetically pleasing community.

Within the same page and exhibit, the applicant continues with *"The […] Plan provides a framework for development within the City. The subject site has been designated Medium Density Residential within the … Plan. The corresponding zoning district is …RMH. Modifications to the underlying zoning have been provided through the planned unit development process."* That Narrative further contends that the *"Plan encourages the use of residential planned unit development subdivisions noting that trade-off to conventional zoning requirements and density limitations may be requested to achieve the purpose of a planned unit development."*

B. The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.

The proposed development is to include a mix of single-family detached and attached homes and multifamily homes. The site has been designated to provide a gradient of uses and density, with the higher density multi-family uses along Rhododendron Drive and 35th St. and the attached housing in the middle of the development, and then the shorter detached dwellings to the far east and adjacent to neighboring single-family residential lots. There are three lots adjacent or abutting the multi-family dwelling sites. One of them abuts the parking lot for the southern development. The landscape plan will need to include vegetative buffering and screening through the use of trees on the east side of the parking lot area. The building heights are 4' less than the maximum allowed and just 3 feet over what is customary for most single family designs being constructed today. The Siuslaw Village site to the east was developed in the 1970's with manufactured homes, have a lower roof pitch and are shorter by design. The architectural design of Old Town is being used with this proposal and should compliment and in cases exceed the standards of the surrounding uses. The requirement for a Type II Design Review is a condition of approval for the development, [Condition 7].

C. The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.

The application includes a Traffic Impact Analysis (TIA) performed by Kittleson and Associates that concluded no traffic controls were warranted, (Exhibit G). The TIA was peer reviewed by Jim Hanks, PE. His conclusions are attached to this report and include several concerns for the analysis:

1. Timing of traffic counts was performed, December 4, 2019, the week after Thanksgiving, a typically unacceptable time of year that seasonal adjustments will not necessarily account for.
2. Utilizing ODOT's traffic growth projections for Highway 101 on a project using city streets is problematic. ODOT's projections do not account for development growth but rather illustrate traffic trend data.
3. Not all right and left turns off of 35th and Rhododendron Dr. were evaluated. Oak St. is one notable miss.

For these reasons accurate peer review analysis of Kittleson's conclusion on the need for traffic controls cannot be ascertained. The TSP does not predict any traffic controls being needed at the intersection of 35th and Rhododendron Dr. such as a roundabout or signal, there could be the need for one or more stop signs or some other feature(s). There are no roadways under county or state jurisdiction being suggested by the applicant, peer reviewer or even ODOT as needing traffic controls.

After reviewing the initial Findings of Facts for these applications, the applicant submitted a response letter to the Planning Commission (Exhibit C1). Mr. Hank's peer review of their TIA was one topic in this letter. The applicant submitted an updated TIA (Exhibit G1) to address Oak St. traffic volumes, the timing of traffic

counts, concerns for Coast Guard Road and a traffic signal analysis. The updated TIA concluded that their results showed no need to signalize the intersection at 35th and Rhododendron Dr. and that sight lines along Rhododendron Dr. northward would support the development providing that landscaping, signage and utilities are installed and maintained to allow those sight lines.

The project is divided into two phases. In conjunction with application for Final Plat for the second phase the TIA shall be updated using traffic projection methodology that accounts for this project's phases, other approved projects in the transportation corridors being reviewed and is consistent with the TSP methodology used, [Condition 11].

D. The location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned utilities and services.

The applicant submitted Sheet C-8 in Exhibit H which contains a Composite Utility Plan. This sheet details how the proposed development will be served by utilities and services. The proposed development would connect with an existing eight-inch water line and an existing twelve-inch sewer line located in Rhododendron Drive.

Additionally, the applicant supplied a Preliminary Drainage Report (Exhibit F) which describes how stormwater treatment for roof runoff will be handled within soaking trenches on-site. Water quality and infiltration basins will be provided for all walkways, roadways and impervious ground surfaces on site.

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

The subject property is representative of infill development whereby infrastructure such as streets, existing utilities and services are accessible. No upsizing of City sewer or water is planned to accommodate the additional units. The proposal includes a mix of housing densities, building design and materials compatible to the area, uses for the open space, parking and circulation which are intended to provide the residents with thoughtful access to their lots.

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

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

The combined development is 9.28 acres. This criterion has been met.

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

The properties abutting the subject property are zoned RMH. The primary front yard regulations in the RMH zoning district is presently 10 feet, changed from 20' in the last five years. The proposed PUD is designed to have a perimeter yard of at least 10 feet on all sides abutting adjacent residential property and five feet on all sides adjacent to the right-of-way of existing roads. Important to note is that when Sandpines and Siuslaw Village were developed, the homes abutting the subject properties were required to have a 20' front yard setback. Home were thus set back deeper into the lots, typically with a 10' rear setback. Since that time, standards for front yards have changed to reflect a 10' front yard setback. None of the perimeter yard is identified as open space.

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

The proposed development will include 31 detached homes and 49 attached homes (5 of which are one bedroom units) requiring 160 parking spaces. The proposed apartments will provide 24 studio/one bedroom and 22 two-bedroom units which require 58 parking spaces, 29 for each site. Therefore, a total of 218 parking spaces for all proposed unit types are required per this Chapter.

The detached and attached homes will provide parking within single or double car garages. Additional parking for the single-family detached homes will be provided on individual lots on parking pads located to the side of the homes. The multi-family apartments will provide a mix of covered (tuck under) and uncovered parking adjacent to the buildings in surface parking lots. On-street parking provided on the private loop street will provide additional parking. In total, 216 parking spaces will be provided on site, two short of the minimum requirement. Although the applicants have demonstrated a total of 262 parking spaces when including the on-street parking located along the loop drive, some of these will be eliminated due to the requirement for marked fire lanes where fire hydrants are located.

	# OF PROPOSED PARKING SPACES
Single-fam. Attached Garage Spaces	93
Single-fam. Detached Garage Spaces	37
Single-fam. Driveway (Pads) Parking Spaces	25
Multi-family Surface Parking	61
TOTAL ON-SITE	216
On-Street Parking (In the Private Drive)	46** some are located adjacent to hydrants
TOTAL Development On and Off street	262

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

All new utilities necessary to serve the proposed development will be placed underground. This criterion is met.

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

- **Public dedication for use by public in general, and/or**
- **Property owned by the Home Owners Association (or other legal entity) for use by residents of the development.**

The recreational area may be passive and/or active recreational activities. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons with amenities, and private parks. Recreation areas shall include high-quality and durable amenities and incorporate ADA accessibility features such as, but not limited to:

- **Indoor and outdoor recreation area**
- **Play fields or outdoor playgrounds**
- **Indoor or outdoor sports courts**
- **Swimming pools**
- **Walking or running fitness courses**

- **Pedestrian and bicycle amenities meeting park industry durability standards**
- **Other recreational amenities determined by the Planning Commission to fulfill the purpose of this Chapter.**

The recreation area is required to be developed to satisfy one or more recreational needs identified in the latest Florence Parks and Recreation Master Plan. If the Master Plan or Comprehensive Plan shows a need for public recreation area in the location of the PUD (such as a trail connection or neighborhood park), the recreation area shall be dedicated to the public. If the recreation area is not meeting a need for public recreation, the city may choose not to accept dedication of the recreation area. (Ord. No. 2, Series 2011)

1. Open space will be suitably improved for its intended use, except that common open space (outside the required 25% of recreation use area) containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open spaces shall be appropriate to the uses, which are authorized for the open space.

Applicant Narrative: The subject site is a 9.28 acres in size. Therefore, 80,847 square feet of open space is required. Of the required open space, 25 percent, or 20,212 square feet of recreational use is required. The proposed development includes 84,118 square feet of provided open space, or 20.8 percentage of the site area. A total of 32,094 square feet of recreation open space is designate on the plan, or 36.6% of the open space area. This standard is met or can be met as conditioned below.

The designated recreational space is broken up into three main zones; The Central Green, Dog Park and Pocket Gardens**:**

Central Green:
The Central Green is characterized as a linear park providing a multitude of uses. The most active zone to the north incorporates a pavilion area for sheltered picnicking accompanied by a children's playground. At the center of the green is a large lawn framed by rows of trees to allow for flexible uses. It is envisioned to support pick up sports, lawn games and lounge areas. The southern end of the green is designed as a native grove, characterized by native trees and pockets of planting and surrounded by picnic areas. Connecting with all of these spaces is a concrete loop trail to support exercise and walking.

Dog Park:
The dog park is focused around a fenced bark/lawn area to support dog training/play and relief. At the dog park entry, a paved area is provided to allow for ease of pet movement with areas for seating/viewing. The park is surrounded by a number of trees to help provided shade and visual interest.

Pocket Gardens:
Two pocket gardens are provided as contemplative spaces for the development. The garden to the south is envisioned as a flower garden with bisecting walking trails to allow up-close viewing of the variety of plant species cultivated. Along the walking paths, seating opportunities are provided for rest. The garden to the northeast offers a center paved space for picnicking. The space is framed by native plantings and a ring of trees to provide shade.

The unspecified areas on either side of the Central Green's covered area shall have a recreational use associated. Neither the narrative nor the illustrations identify what Park Master Plan amenity will be featured in this portion of the recreational space. They appear to be simply a gateway area to the green which is in itself not recreation space. There are a number of recreational options listed in the park plan that would fit in this area, such as horseshoe pits, bocce area, pickle ball court, badminton, etc. Since greater than 25% of the open space area is to be designated for recreational use (because of the exceptions requests), upon submittal of the Final PUD application, the applicant shall demonstrate that active recreational uses throughout the recreational open spaces will be provided, [Condition 13.a].

2. **The development schedule which is part of the development plan shall coordinate the improvement of the open space and the construction of buildings and other structures in the open space with the construction of residential dwellings in the planned unit development.**

The proposed development will be complete within a two-year timeframe as required by a planned unit development. The construction phase of the project will be divided into two phases, Phase 1a and Phase 1b.

Phase 1a will include a mix of site work and grading work, all multi-family buildings and associated parking areas, 15 single-family detached homes, and 31 single-family attached homes. Site work will begin in October 2020 and will be a seven-month construction period. Phase 1a is shown on Sheet A-3 of the Revised Master Plan.

Phase 1b will include 16 single-family detached homes and 18 single-family attached homes. Phase 1b will begin in February 2022 and will be a nine-month construction period. Phase 1b is shown on Sheet 1-4 of the Revised Master Plan (Exhibit D).

This criterion has been met.

3. **If buildings, structures or other improvements are to be made in the open space, City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. In this case, the City Council shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.**

The proposed structures in the open space area include one central open-air pavilion approximately 12 feet by 20 feet is located at the northern end of the Central Green. Additionally, each Garden Court has an open air structure approximately 20 feet by 20 feet to support picnicking.

The applicant acknowledges that the City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed.

4. **The following areas are not acceptable for recreation area required as part of a PUD: (Ord. No. 2, Series 2011)**
   a. **Hillsides over five (5) percent slope; (Ord. 7, 2019)**
   b. **Land in the floodway, floodplain, or required riparian or wetland buffer, unless trails, benches, picnic tables and similar above are incorporated;**
   c. **Roadside ditches;**
   d. **Monument entry areas and central landscaped boulevards;**
   e. **Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events;**
   f. **Parking areas and road rights-of-way that are located within the parkland, open space, or common area, except for parking that is required specifically for use of the parkland;**
   g. **Yards, court areas, setbacks, or other open areas required by the zoning and building ordinances and regulations shall not be included in the computation.**

The proposed recreation areas within the open space will not include the items listed in subsection a-g, above. This criterion has been met.

5. **A portion not to exceed 50% of open space and recreation area requirements may be met with a fee-in-lieu if the proposed PUD is within one quarter (1/4) mile of undeveloped parkland as measured on public rights-of-way with reasonable**

pedestrian and bicycle connections to the parkland. The fee for open space shall be calculated by multiplying the sq. ft. of open space area being met with fee-in-lieu multiplied by the average square foot value of abutting real property as shown on the current Lane County assessment roll, less a percentage for easement retained for public use. The fee for recreation area will include the open space methodology and additional fee for improvements planned for the underdeveloped parkland as identified in the Parks and Recreation Master Plan or in a City Council approved community park plan for that park.

The applicant is not proposing fee in lieu. This section is not applicable to the proposed development.

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

Because the subject site contains a portion of Yaquina loamy fine sand as identified by the City of Florence Soils Map and the Revised Storm Report provided by the applicant on page 1 of 3 in Appendix A of EXHIBIT F. and triggers the requirement of a Phase 1 site investigation report prior to grading. A Phase 1 site investigation has been provided (see Exhibit Q); however [Condition 12]. There is no area within the proposed PUD site that meets requirements of this subchapter and no unique land forms nor significant natural resources are present.

G. Mixed Uses, Unit Types, and Density: Where supported by the zoning district, development plans shall incorporate a mix of dwelling unit types and densities consistent with the base zone as well as a mix of residential commercial, and recreational uses.

The proposed PUD will include a mix of residential units. Recreational uses are proposed through the open space recreational amenities discussed in Section 23 10-23-5 of this Title. Given the number of modification requests, it is clear that by providing only one source of active recreational space within the PUD, additional active recreational activities must be provided to ensure this code is met. Sidewalks are required and are not counted as open space nor as a provision for active recreational opportunities. This requirement has been conditioned in Condition 13.a.

Sheet A-3 of Exhibit D provides a table outlining recreational and open space. Given that the areas provided in the master plan have not been specifically dimensioned, staff is unable to verify that the proposal meets the requirements. Due to the request here for modifications, the applicant shall demonstrate that the open space and recreational areas exceed the minimum amounts by providing a dimensioned open space/recreational space plan prior to Final PUD approval [Condition 13b].

H. The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieved the following:

The applicant has proposed the following modifications to the underlying standards of this code through the planned unit development process:

<u>Lot Width and Depth (Sec. 10-10-4.A)</u>

Development Type	Required Width	Proposed Width	Required Depth	Proposed Depth

Single-family detached	50 ft.	36 ft.	80 ft.	62 ft.
Single-family attached	25 ft.	24 ft.	80 ft.	60 ft.

Minimum Lot Area (Section 10-10-4.B)

Development Type	Required Min. Lot Area	Proposed Min. Lot Area
Single-family detached	5,000 sq. ft.	2,232 sq. ft.
Single-family attached	3,000 sq. ft	1,464 sq. ft.

Setbacks (Section 10-10-4.D)

	Required Setback	Proposed Setback
Front:	10 feet	5 feet
Side: - Street - Detached Single-family - Attached Single-family	5 feet 5 feet 0 and 5 feet	5 feet 3 feet 0 feet and 3 feet
Rear: - Primary - Garage (alley-loaded)	5 feet 20 feet	3 feet 3 feet

Density (Section 10-10-4-E)

	Required Maximum Density	Proposed Maximum Density
Maximum average net density (units/acre)	12 units/net acre	13.6 units/acre

Parking Stall Size (per Sec. 10-3-8.2 of this Title). That applicant is requesting reduced driveway parking space dimensions: the required parking/driveway dimensions are 9 feet, 6 inches wide by 19 feet long and the proposed driveway parking dimensions are 8 feet wide by 18 feet long,

Given these modification requests, it is clear that by providing only one source of active recreational space within the PUD, more recreational activities must be provided to ensure this code is met. Sidewalks are required and are not counted as a provision for active recreational opportunities. This is conditioned in Condition 13a.

1. High quality building design using Old Town and Mainstreet Architectural Standards or higher standards

Thoughtful exterior design can provide a positive visual impact at the pedestrian level. Although the applicant indicated in the Narrative (Exhibit C, pp. 37 & 38) that the proposal addresses the above code, a review of the side view proposals for single-family detached homes indicates no transition in materials to break up the side (planes) shown in Sheets A-17 and A-18. Chapter 17, Section 10-17A-4 A. 2 of this Title provides the following requirement for Old Town District Area A:

Building Exterior shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set.

Given that the proposal is making modification requests for this PUD which include setbacks, smaller lot sizes, and reduced parking stall dimensions, a call for these corner houses to meet the architectural standard listed above is reasonable even without being a requirement as shown here in Chapter 23, Section 10-23-5 DEVELOPMENT STANDARDS, Subsection H. A Type II Design Review for the multi-family and attached residential units shall be applied for and associated fees paid so these standards may be better evaluated, [Condition 7].

The applicant shall provide architectural details concurrently with the building permits for the single-family detached housing. An associated review fee shall be will be required unless determined otherwise by the Planning Director, [Condition 8].

2. Incorporation of unique land forms into the final PUD design

The proposed site does not contain unique land forms.

3. More recreation space than the minimum required

The required recreation space for the site equals twenty percent (20%) of the required twenty-five percent (25%). The applicant is proposing 38.2 % of recreational space. This criterion has been met.

4 On-site amenities reflecting the value of both active and passive recreational facilities

The proposal provides for a variety of amenities with their recreational facilities. A Central Green will provide a children's play area, a pavilion, picnic areas, lawn, native grove, and a walking trail. Two pocket gardens will provide native plantings, walking trails, and seating areas for residents. A series of garden courts is to include lawn, walking trails, a shelter and picnic area. A small fenced dog park with a seating area has been provided at the south end of the development. The lawns can lend themselves to lawn sports**.**

5 Natural resource protection, where identified as part of a preliminary site investigation report

Please see Condition 12, which discusses the requirement for a Phase One site investigation before grading due to the presence of Yaquina soils on the east end of the site.

6. A mix of dwelling unit types and densities

The proposed PUD will include a mix of single-family detached units, single-family attached units and multi-family units. Through a PUD approval process, this mix of unit types is consistent with the base zoning, RMH.

7. A mix of residential, commercial and recreational uses, where zoning permits

The proposed development features a mix of residential attached and detached uses, multifamily and also recreational opportunities. No commercial uses have been proposed. These criteria have been met.

10-23-6: DEDICATION AND MAINTENANCE OF FACILITIES: The City may require that space be set aside, improved, conveyed or dedicated for the following uses:

A. Easement necessary to accommodate existing or proposed public utilities.

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

C. Common open space, recreation facilities, parks and playgrounds necessary and appropriate for the owners, residents, patrons and employees of the PUD. Maintenance, repair, insurance and related obligations are the responsibility of either:

1. The developer; or
2. An association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the

continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

Easements shall be provided for all public utilities on site. Streets, bikeways, pedestrian paths and all common open space will be provided in tracts and will be maintained by the association of owners or tenants. Easements shall also be noted on the final plat, [Condition 5].

10-23-7: PROFESSIONAL DESIGN: The developer is required to employ a design team to ensure that the project is well planned, and to coordinate the process of application. The design team shall include an Architect or Engineer, a Landscape Architect, a Planner, a Surveyor, and in some cases, a Soils Engineer. Designation of a professional coordinator doesn't prohibit the owner from taking part in the process.

The design team for this project includes an architect, engineer, landscape architect, planner, surveyor and a soils engineer. The contact information for each consultant that has been provided within page 3 of the General Information section at the beginning of the Narrative (Exhibit C).

10-23-8: GENERAL PROCEDURES: There shall be a three-stage review process for all PUD's. The first step is the application conference, followed by preliminary development review and approval and final review.

10-23-9: APPLICATION CONFERENCE: An outline development plan accompanied by the application fee, shall be submitted to the Planning Commission by the owner(s) of the properties to be developed. The developer, or the designated professional coordinator, shall meet one or more times together with the Planning Commission's staff and determine whether the requirements of this Chapter have been fulfilled.

Outline Development Plan: An outline development plan shall include both maps and a written statement as described in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable.

1. **The maps which are part of the outline plan may be in general schematic form, and shall contain the following information:**
   - a. **The existing topographic character of the land.**
   - b. **Existing and proposed land uses and the approximate location of buildings and other structures.**
   - c. **The character and approximate density of the proposed buildings.**
   - d. **The approximate location of major thoroughfares.**
   - e. **General traffic flow patterns within the PUD.**
   - f. **Public uses, including schools, parks, playgrounds and other public open spaces.**
   - g. **Common open spaces and a description of the proposed use of these spaces.**

2. **The written statement which is part of the outline development plan shall contain the following information:**
   - a. **An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.**
   - b. **A statement of the present ownership of all the land included within the planned unit development.**
   - c. **A general indication of the expected schedule of development.**
   - d. **A preliminary site investigation report.**

A pre-application conference discussing the items listed above was held with the City and the design team on November 12, 2019.

10-23-10: PRELIMINARY APPROVAL: The Planning Commission shall hold a public hearing, and any continuance thereof, to discuss the PUD proposal. The public hearing shall not be held until the complete information listed below has been available for review by the Planning Commission's staff for at least thirty (30) days.

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

1. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.

The applicant provided a Tentative Plat application with exhibits with the applicable features included. The private drive, lots, alleyways, common open use spaces and parking lots for the multi-family units are indicated on Sheet C-0, and Sheets C2 through C-5, of Exhibit H.

2. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.

All sidewalks fronting Rhododendron Drive and Siano Loop shall be dedicated as public easements. A draft of this instrument shall be provided to the Planning Department with the application for the Final Plat, **[CONDITION 5].**

3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open spaces around buildings and structures, excepting private single-family lots in a residential PUD.

The criteria outlined here are indicated on Sheet C-3 of Exhibit H, Sheet L-2 of Exhibit E, and Sheets A-1 and A-2 of Exhibit D.

4. Elevation and perspective drawings of proposed structures.

Sheets C-11 through 18 in Exhibit H provide the floor layouts and elevations for the proposed residential unit structures.

5. A development schedule indicating:

- **a. The approximate date when construction of the project can be expected to begin.**
- **b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.**
- **c. The anticipated rate of development.**
- **d. The approximate dates when each stage in the development will be completed.**
- **e. The area, location and degree of development of common open space that will be provided at each stage.**

Sheets A-3 and A-4 of EXHIBIT D provide detailed information according to the requirements of this subsection.

6. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.

The applicant shall provide agreements, provisions or covenants to govern the use, maintenance and continued protection of the PUD and its common open space areas, [Condition 5].

7. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking and landscaping.

a. An off-street parking and loading plan.

b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern shall be shown.

c. A landscaping and tree plan.

After the public hearing, the Planning Commission shall determine whether the criteria and general intent of this section have been fulfilled. The Planning Commission may require such changes and impose such conditions as they determine to be prudent and desirable. The Planning Commission may, at its discretion, authorize submission of the final plan in stages, corresponding to the different phases or elements of the development, after receiving evidence assuring completion of the entire project on schedule.

All required application materials for the preliminary development plan have been included in the land use proposal and will be revised or adjusted to meet Conditions as approved by the Planning Commission.

10-23-15: PHASED PLANNED UNIT DEVELOPMENT: A Planned Unit Development may be phased. No building permit shall be issued without receiving preliminary development plan approval as set forth in this section. When a PUD is phased, one preliminary development plan is approved by the Planning Commission for the entire development, and final development plan for each individual phase is reviewed separately. Planning Commission shall approve a phased preliminary development plan, provided affirmative findings can be made that:

A. The proposed PUD meets the preliminary development plan requirements outlined in 10-23-1 through 10-23-10.

B. The proposed PUD 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 of all required city infrastructure in each phase.**
2. **Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.**
3. **Each phase will have public improvement 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 development as a whole.**

C. If the approval of a final development plan for a phase of a phased PUD requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the phasing plan for the preliminary development plan shall be modified prior to approval of the final development plan.

D. If a phased PUD included creation of a subdivision, the application may be processed concurrently.

E. PUDs approved for a multi-phased development may apply for final development plan approval by phase, in the following manner:

1. **The first phase of development shall apply for final development plan approval within two (2) years from the date of the preliminary development plan approval;**
2. **The second phase of development shall apply for final development plan approval within two (2) years after the final development plan approval of the first phase;**
3. **Subsequent phases shall file for final development plan approval within two (2) years after the final development plan approval for the preceding phase, with all phases filed within eight (8) years of the preliminary development plan approval.**

The applicant has provided a target completion timeframe for the two proposed phases, Phase 1a and Phase 1b.

Phase 1 is to include a mix of site work and grading work, all multi-family buildings and associated parking areas; 15 single-family detached homes, and 31 single-family attached homes. The proposed beginning work start date for Phase 1a is October 2020 and will be a seven-month construction period. Building work is scheduled to begin in February 2021 and will involve a 12-month construction period. Phase 1a is shown on Sheet A-3 of Exhibit D.

Phase 1b will include 16 single-family detached homes and 18 single-family attached home. Phase 1b will begin February 2022 and will be a nine-month construction period. Phase 1b is shown on Sheet A-4 of EXHIBIT D.

TITLE 10: CHAPTER 34 LANDSCAPING

10-34-2: LANDSCAPE CONSERVATION

10-34-2-1: Applicability. Except for single family homes and duplexes the provisions of this Section are applicable to all development sites which contain stands of Native Vegetation or specific Significant Vegetation, as defined below. "Development sites" do not include any street, alley, or public right-of-way.

10-34-2-2: Native Vegetation. "Native vegetation" means those plant species native to the Florence region that are listed as native on the suggested *Tree and Plant List for the City of Florence*, such as Shore Pine, Fir, Hemlock, Spruce, Native Rhododendron, Wax Myrtle, Kinnikinnick, Huckleberry and Salal. Preservation of existing native vegetation is strongly encouraged and preferred over removal of vegetation and re-planting. Existing native vegetation may be credited toward the landscape requirements of Section 10-34-3-3 if it is preserved in accordance with the following standards:

A significant portion, easily 70 percent, of the proposed site contains mature native vegetation. Historically, the most intense use the property experienced was as a NACO West RV park. Many campsites have been overtaken by vegetation. One noticeable characteristic of Rhododendron Drive is its vegetation. A site visit by City staff revealed an abundance of Native Rhododendron, Wax Myrtle, Kinnikinnic, Huckleberry, Salal and a variety of native and non-native mature trees including Shore Pine.

A. Living plant material covers a minimum of 70 percent of the area proposed for preservation;

B. Preservation area(s) are a minimum of 30 square feet for any one area with dimensions a minimum of 5 feet on any side to ensure adequate space for healthy plant growth;

C. Preservation area(s) are setback from new construction areas a minimum of 10 feet from new structures, and a minimum of 5 feet from new hard-surface areas (e.g. parking lot, walkways), and replanted with native vegetation if damaged during construction;

D. The preservation area is clearly marked and identified for protection on the landscaping plan as well as on-site (e.g. construction fencing) prior to site disturbance.

E. Existing noxious weeds[1] within the preservation area are removed prior to approval of the installed landscaping; and

F. Preservation areas with grade changes around the perimeter are addressed with appropriate transition or stabilization measures (e.g. retaining wall) to avoid erosion.

[1] Noxious and invasive weeds are those identified by the current Lane County Public Works "Noxious and Invasive Weed Management List," with additional City of Florence footnotes. If a current county list is not available, the list in the current Oregon Department of Agriculture in "Noxious Weed Policy and Classification System" will be used. Noxious weeds common to the area are Scotch Broom, English Ivy, Gorse, and Himalayan (Armenian) Blackberry.

The applicant has proposed a landscape plan (Exhibit E); however, no trees have been retained inside the site for preservation (Sheet L-1). The applicant is not asking for landscaping credit. Given the proposal to provide native groves as open space, retaining any existing trees would be desirable.

10-34-2-3: Significant Vegetation. "Significant vegetation" means:

A. Native vegetation, or

B. Plants within designated sensitive land areas such as wetlands, riparian areas, and slopes steeper than 40%, or

C. Trees having a DBH of four (4) inches or larger measured 4½ feet above ground.

As stated in the previous subsection, the site contains dense native vegetation. Additionally, trees with a DBH of four are in abundance.

10-34-2-4: Preservation Credit. The City may grant a "Preservation Credit" if existing significant vegetation on the site is preserved, in the form of a reduction of the overall landscape area and planting requirements of Sections 10-34-3-3. The City may authorize credits which effectively reduce the required landscaping if the following standards are met:

A. **Significant vegetation species and areas to be preserved shall be mapped and flagged in support of the site development application. Significant trees shall be mapped individually and identified by species and diameter. Wetland resources shall have a current delineation approved by the Department of State Lands. Appropriate protection from construction damage shall be in place prior to site disturbance. For a "Burn to Learn" site, significant vegetation that can be saved shall be protected.**

B. **Native vegetation, wetland, riparian, and steep slope vegetation shall meet the standards set forth in Section 10-34-2-2 subsections A through F above.**

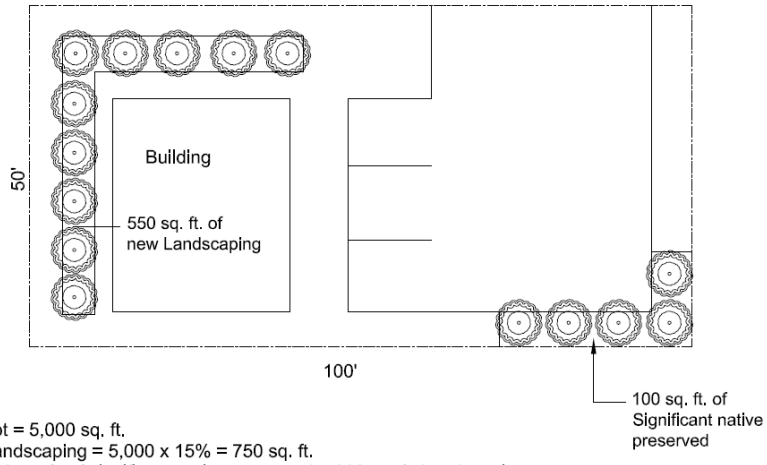
C. **Dead or diseased vegetation and split, leaning, or unstable trees shall not qualify as preserved vegetation.**

D. **Mature vegetation shall be trimmed and pruned as appropriate by qualified personnel to form a long-term element of the site landscaping.**

E. **Landscape credit for preserved significant vegetation areas shall be granted at the ratio of 2 to 1 (e.g. every one square foot of preserved significant vegetation shall be counted as two square feet in meeting the total specified landscape area for a site). However, in no case shall the requirement for actual landscaped area be reduced below 2/3 of the area that would be required with no credit.**

F. **Landscape credit for preserved trees shall be granted at the ratio of one less new tree planting for every two (2) inches diameter of preserved significant trees (e.g. a preserved tree of six inch diameter counts as three newly planted trees). This credit can be applied against required front yard, parking island, buffer, and/or street trees. However in no case shall this credit reduce the requirement for newly planted trees below 2/3 of the number that would be required with no credit. All preserved trees shall be protected from construction compaction or grade changes of more than six inches on the surface area in relation to the crown of the tree canopy.**

G. **Figure 10-34(1): Native Preservation Credit Trade-off**



Lot = 5,000 sq. ft.
Landscaping = 5,000 x 15% = 750 sq. ft.
100 sq. ft. of significant native preserved = 200 sq. ft. Landscaping
New Planting = 750 sq. ft. - 200 sq. ft. = 550 sq. ft. new Plantings.
Actual landscaped area coverage = 650 sq. ft./5,000 sq. ft. = 13%

The application materials include a site survey that illustrating the trees existing on the site. It includes a legend that indicates they propose to retain trees. The trees proposed for retention are on neighboring property. The proposed development is not including the preservation of native vegetation and therefore not requesting preservation credits.

10-34-3: LANDSCAPING

10-34-3-1: Applicability. Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

A. For new developments, all landscaping shall meet current code requirements. (Ord. 4, 2011)

B. For modifications or additions to existing development, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size. (Ord. 4, 2011)

New development is proposed. Landscaping shall be provided in accordance with this chapter.

10-34-3-2: Landscaping Plan Required. A landscape plan is required. All landscape plans shall include the following information:

A. The location and height of existing and proposed fences and walls, buffering or screening materials.

B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.

C. The location, size, and species of the new proposed plant materials (at time of planting).

D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.

E. Existing and proposed building and pavement outlines.

F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.

G. Other information as deemed appropriate by the City Planning Official.

A landscaping plan has been submitted illustrating the information listed in Subsections A through G, above. (Exhibit E).

10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district[2] for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.

A. Landscaping shall include planting and maintenance of the following:

1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.

2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.

3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.

4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.

5. Pocket-planting[3] with a soil-compost blend around plants and trees shall be used to ensure healthy growth.

B. Noxious Weeds shall be removed during site development and the planting of invasive or noxious weeds is prohibited.

The Narrative states that total landscaping area equals 132,269 square feet, (p, 44, Exhibit C). This is an equivalent to 32.7 percent of the total project acreage. While a plant list is included it does not include the numbers of plant, just the plant sizes. The project site shall include a minimum one tree and 6' shrubs per 30' linear feet of the frontage length along Rhododendron Dr. and Loop Road

10-34-3-4: Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

A. <u>Plant Selection.</u> A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used, consistent with the purpose of this Chapter. A suggested *Tree and Plant List for the City of Florence* and the *Sunset Western Garden Book* are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The

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[2] Mainstreet District (FCC 10-27) and Old Town District, Area A and B (FCC 10-17A and 10-17B) require 10% of the gross lot area to be landscaped.

[3] Pocket-planting is used in conjunction with sandy soils by removing existing sand approximately twice the width and the same depth of the pot, and replacing it with a soil-compost blend.

use of indigenous plants is encouraged, and may be required where exposure, slope or soil conditions warrant.

1. **<u>Ground Cover.</u> Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.**

2. **<u>Shrubs.</u> Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the *Tree and Plant List for the City of Florence*.**

3. **<u>Trees.</u> Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).**

4. **<u>Non-plant Ground Covers.</u> Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.**

B. <u>Existing Native Vegetation</u>. Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter.

According to page 44 of the Narrative (EXHIBIT C), the proposed development will not include the preservation of native vegetation on site. However, in the planting notes on Sheet L-3 (EXHIBIT E) of the Landscape Plan, the first Note states: *"VERIFY LOCATION OF EXISTING TREES TO REMAIN PRIOR TO SOIL PREPARATION. PROTECT ALL TREES AND SHRUBS INDICATED TO REMAIN."* Nevertheless, the Landscape Plan does outline the proposed materials and their sizes that are listed in this subsection on the same page.

C. <u>Hardscape features</u>, such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.

D. <u>Storm Water Facilities.</u> Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water-tolerant, native plants.

The provided Landscape Plan (Exhibit E) indicates street trees and ground cover. However, it is unclear which specific tree species will be located where. A final Landscape Plan shall be submitted with the Final PUD application indicating the numbers of plants, which plants they are, and where exactly they are going to be placed, [CONDITION 26].

10-34-3-5: Irrigation. Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment.

All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

The materials indicate temporary irrigation is proposed to establish plantings. A detailed irrigation Plan shall be supplied with the Final PUD application, [Condition 27].

10-34-3-6: Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:

A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;

B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the *Tree and Plant List for the City of Florence* installed per island;

C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;

D. Irrigation is required for interior parking lot landscaping to ensure plant survival;

E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and

Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.

The proposed parking lots within the multi-family development will be provided as tuck-under parking with the second-floor building overhang providing cover of the parking spaces. Landscaping is not proposed within these areas. Where surface parking is provided without building overhang cover, landscape islands have been provided consistent with the requirements of this Section. This criterion is met if the quantities in the revised landscape plan conform with the code.

10-34-3-7: Buffering and Screening. Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

A. <u>Parking/Maneuvering Area Adjacent to Streets and Drives.</u> Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-7-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

The proposed tuck-under parking area will be visibly screened from the street by the proposed buildings. Where surface parking is provided, landscape screening from the street will be provided.

B. <u>Parking/Maneuvering Area Adjacent to Building.</u> Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

The parking areas adjacent to the multi-family buildings have been separated from the buildings with a curb and raised walkway a minimum of five feet in width. The tuck under parking within the multi-family developments are presumed to include building protection such as wheel stops or bollards.

C. <u>Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required</u>. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. **a decorative wall (i.e., masonry or similar quality material),**
2. **evergreen hedge,**
3. **opaque or sight-obscuring fence complying with Section 10-34-5, or**
4. **a similar feature providing an adequate screen**.

All proposed mechanical equipment will be located inside the buildings. The screening requirements of this subsection are not applicable.

10-34-4: STREET TREES: Street trees are trees located within the right-of-way.

A. Street Tree List. Trees shall be selected from the Tree and Plant List for the City of Florence based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Other tree species are allowed with City approval.

B. Caliper Size. The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one half (1 ½) inches with a high graft (lowest limb a minimum of 5 foot high from the ground) to ensure pedestrian access.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-14.

D. Soil Preparation, Planting and Care. Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soil-compost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

Street trees are proposed along both sides of the private street loop and spaced an average of 25 feet on-center. See Condition 26, which requires a list and location of trees submitted with the Final PUD application.

10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require

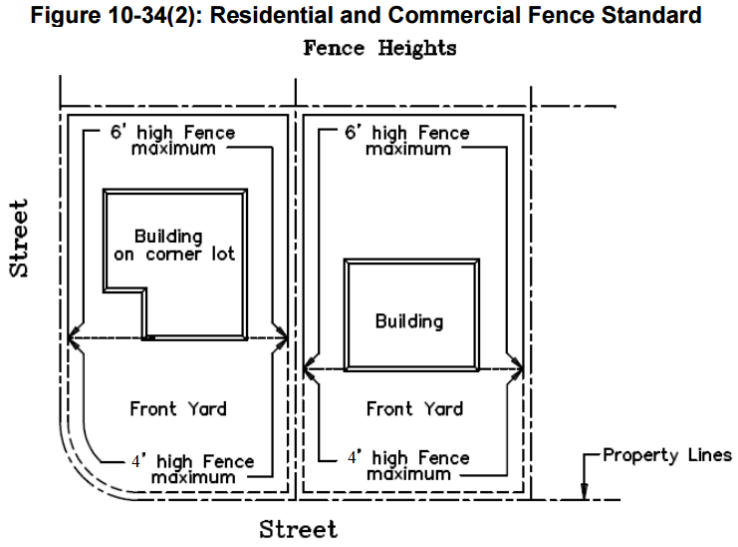
installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34- 3-6 for landscape buffering and screening requirements.)

B. Dimensions.

1. Residential Zones: Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed four (4)feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed four (4) feet in height or taller fences or walls are allowed through a Type II or III Design Review approval. (See Figure 10-34(2))

[…]

Figure 10-34(2): Residential and Commercial Fence Standard



C. The following exceptions may be allowed through Type I, II or III Review.

1. Specifically for RV parking in residential zones, the height of fences and walls shall not exceed eight (8) feet in the rear and side yards.

2. A retaining wall exceeding four (4) feet in height within a front yard setback which is necessary for site grading and development (see also FCC 10-34-5-D-3).

3. One arbor, gate, or similar garden structures not exceeding eight (8) feet in height and six (6) feet in width is allowed within the front yard, provided that it is not within a required clear vision area. Courtyard walls up to 6 feet in height may also be allowed in the front yard.

4. Walls and fences for swimming pools, tennis courts, and other recreational structures may exceed six (6) feet provided they are not located in the front yard.

5. Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.

D. Specific Requirements

1. Walls and fences to be built for required buffers shall comply with Section 10-34-3-7.

2. Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-14.

Fencing and walls are not proposed to interfere with vision clearance. Perimeter 6' high cedar fencing is proposed and complies with city code.

3. Retaining walls exceeding four (4) feet in height and freestanding walls or fences greater than seven (7) feet in height require a building permit

4. Sheet Metal Fencing (as permitted) shall meet the following criteria:

a. Must have appropriate weatherization coating to address vulnerability to rust in Florence's coastal climate.

b. Must be installed and maintained as per warranties to ensure longevity. Warranty documentation must be submitted to the Planning Director before approval.

c. Shall be maintained in good condition (rust and hole free, non-peeling, and absent of similar signs of disrepair), or otherwise replaced by the property owner.

d. Sheet metal fencing, due to its manufacturing design, will be either horizontally or vertically dominant depending on the manner of installation. To break up the dominant vertical or horizontal orientation, the fence design along streets shall incorporate variable architectural detail. This can be accomplished through one or more of the following a minimum of every eight (8) feet;

1. Addition of vertical siding trim strips and cap trim of colors different yet complimentary to the fence color.

2. Change in orientation of sheet metal.

3. Vertical offsets (staggered fence line).

E. Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

F. Materials.

1. Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.

2. Materials permitted with Administrative Design Review: Sheet metal is permitted within the Limited Industrial District with Administrative Design review Approval.

3. Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller than eight (8) feet. Sheet metal is prohibited within all districts except the Limited Industrial District.

4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-7-14.

The proposed residential lots are to have a six-foot cedar perimeter fence. The internal fencing at the dog park will be welded wire panels with wood framing. The cement retaining walls are less than 4' feet. These criteria are met.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2: VEHICULAR ACCESS AND CIRCULATION:

10-35-2-2: Applicability: Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. Access to a designated state or county highway is subject to the provisions of this Section in addition to the requirements of the applicable roadway authority. Where regulations of the City conflict with those of the roadway authority the more restrictive requirements apply.

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

The applicant shall be required to obtain a Construction Permit in Right-of-Way prior to their construction of their access to and improvements Rhododendron Drive, [Condition 13].

10-35-2-4: State and County Access Permits: ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit. A State or County complete access permit application must be submitted as part of all land use permits. Conditions placed by the State or County upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. When a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the "Highway 101 Access Management Plan." County roads are governed by the Lane County Transportation System Plan and Lane Code Chapter 15.

No direct access onto a State Highway or County Road is proposed.

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

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A. The Traffic Impact Study shall:

1. **Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.**

2. **Utilize the analysis procedures of the Highway Capacity Manual, latest edition.**

3. **Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.**

4. **Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.**

5. **Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city's adopted Level-of-Service standards. The study shall also propose funding for the proposed mitigation measures.**

The application includes a Traffic Impact Analysis (TIA) performed by Kittleson and Associates. This firm concluded no traffic controls were warranted, (Exhibit G). The TIA was peer reviewed by Jim Hanks, PE. His conclusions are attached to this report and include several concerns for the analysis:

1. Timing of traffic counts was performed, December 4, 2019, the week after Thanksgiving, a typically unacceptable time of year that seasonal adjustments will not necessarily account for.

2. Utilizing ODOT's traffic growth projections for Highway 101 on a project using city streets is problematic. ODOT's projections do not account for development growth but rather illustrate traffic trend data.

3. Not all right and left turns off of 35th and Rhododendron Dr. were evaluated. Oak St. is one notable miss.

"For these reasons accurate peer review analysis of Kittleson's conclusion on the need for traffic controls cannot be ascertained. The TSP does not predict any traffic controls being needed at the intersection of 35th and Rhododendron Dr. such as a roundabout or signal, there could be the need for one or more stop signs or some other feature. There are no roadways under county or state jurisdiction being suggested by the applicant, peer reviewer or even ODOT as needing traffic controls."

In response to the above, the applicant submitted a revised TIA (Exhibit G1). This is currently being reviewed by Mr. Hanks.

The project is divided into two phases. In conjunction with application for Final Plat for the second phase the TIA shall be updated using traffic projection methodology that accounts for this project's phases, other approved projects in the transportation corridors being reviewed and is consistent with the TSP methodology used. [Condition 11].

B. The applicant shall consult with City staff to determine the content and level of analysis that must be included in the TIS. A pre-application conference is encouraged.

A pre-application conference was held with City staff on November 12, 2019.

C. Conditions of Approval: The City may deny, approve, or approve a development proposal with appropriate conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval should be evaluated as part of the land division and site development reviews, and may include but are not limited to:

1. **Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.**

2. **Access adjustments, where proposed access points do not meet the designated access spacing standards and/or have the ability to align with opposing access driveways.**

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

4. **Street improvements.**

5. **Turn restrictions such as "right in right out".**

According to p. 53 of the Narrative, the applicant acknowledges that the City may propose conditions of approval as needed to meet operations and safety standards and provide the necessary right -of-way and improvements to develop the future planned transportation system, (Exhibit C).

10-35-2-6: Conditions of Approval: The roadway authority may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting a land use or development approval or access permit, to ensure the safe and efficient operation of the street and highway system.

According to p. 53 of the Narrative, the applicant acknowledges that the City may propose conditions of approval as needed to meet operations and safety standards and provide the necessary right -of-way and improvements to develop the future planned transportation system, (Exhibit C).

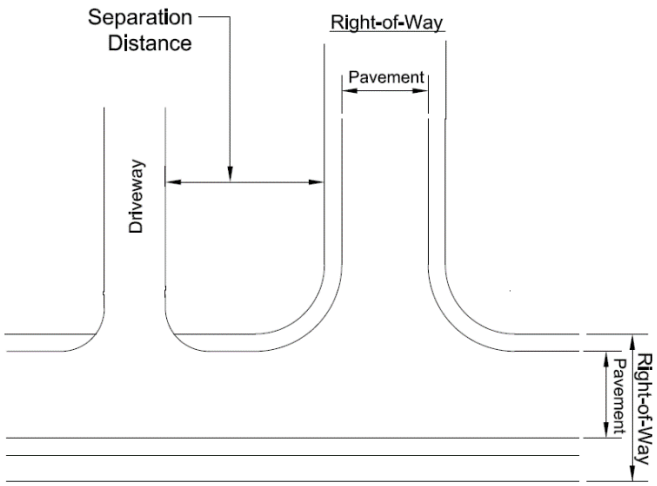
10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

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

<u>Separation Distance from Driveway to Pavement</u>:

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

Figure 10-35(1): Separation Distance from Driveway to Street



B. **Where the City finds that reducing the separation distance is warranted, such as:**

a. no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or

b. planned improvements or traffic circulation patterns show a different location to be efficient and safe,

the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).

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

The subject site consists of a single private loop street. Access to the single-family homes is provided through a series of private alleyways and lanes. Access to the multifamily home is provided through a surface-level access drive connecting to shared parking areas. All on-site alleys are located over 50 feet from Rhododendron Drive. All access driveways connecting to the proposed private drive have been spaced more than 15 feet apart. All on-site access has been designed to prevent backing onto a public street. There are three spaces proposed to be located within the right of way on the north side of Loop Road that are situated perpendicular to the roadway and thus require backing movement onto the private shared loop drive.

10-35-2-8: Access Standards: New development shall gain access primarily from local streets. Access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections and possible lower level street alternatives. Where such access to higher level street classification is necessary, shared driveways may be required in conformance with FCC 10-35. If vehicle access off a lower-level street is possible, then the City may prohibit access to the higher-level street.

Direct access to all proposed units originates from the private loop drive and not Rhododendron Drive. The private loop drive functions as a local street.

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

A parking and circulation plan has been submitted by the applicant as seen on Sheet C-S, EXHIBIT H.

10-35-2-10: Joint and Cross Access – Requirement: When necessary for traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations:

A. For shared parking areas;

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

C. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:

1. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;

2. Driveway stubs to property lines (for future extension) and other design features to demonstrate that the abutting properties may be required with future development to connect to the cross-access driveway;

3. Fire Code Official-approved turnaround for service drives or driveways over 150 feet long.

10-35-2-11: Joint and Cross Access – Easement and Use and Maintenance Agreement: Pursuant to this Section, the following documents shall be recorded with the deed for each parcel:

A. An easement allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;

B. An agreement that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

C. A joint maintenance agreement defining maintenance responsibilities of property owners.

Joint and cross access have not been proposed.

10-35-2-12: Driveway Design: All openings onto a public right-of-way and driveways shall conform to the following:

A. <u>Driveway Approaches.</u> Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.

The applicants state in the Narrative that all driveway approaches have been designed and located to conform with the City's spacing and design standards, (p. 55, Exhibit C).

B. <u>Driveways.</u> Driveways shall meet the following standards, subject to review and approval by the Public Works Director:

1. **Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.**

2. **Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.**

3. **Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.**

4. **One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).**

5. **The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.**

The proposed street network will feature a private loop road, which intersects with the east side of Rhododendron Drive in two locations. The proposed private loop road is connected to an alley network inside the site. All proposed alleys have been designed with a 20-foot right-of-way and 16 feet of pavement. Access to the attached single-family lots will be from these alleyways. All single-family detached driveways will be a minimum of 10 feet in width. Driveway grades will not exceed 15 percent. The proposed design provides adequate circulation for vehicles, bicycles and pedestrians. See also the findings for 10-35-2-12, below, regarding driveway dimensions.

C. <u>Driveway Apron Construction</u>. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10-35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent, and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.

Figure 10-35(2): Examples of Driveway Next to Sidewalks/Walkways

The intersections of the private loop road and Rhododendron Dr. have been designed to meet street intersection standards Driveway aprons are not provided on Rhododendron Dr. Driveway aprons have been provided where the proposed alleyways intersect with the private loop road. The driveway aprons have been designed to meet the requirements of this section.

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

Tony Miller of Siuslaw Valley Fire and Rescue provided comments during the pre-application phase of this project where either a turnaround, through connection or sprinklers were required. Mr. Miller has since provided a letter commenting on this very matter, (Exhibit N). The applicant has opted for sprinklers on the dwellings located on Lanes that are 150' or greater from Loop Road. With this commitment this criterion is met.

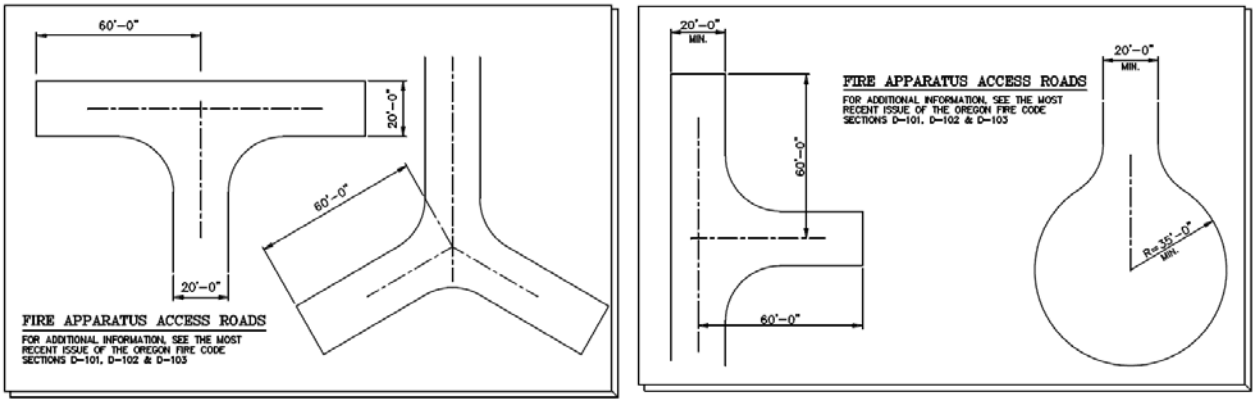


Figure 10-35(3): Examples of Fire Lane Turn-Around

10-35-2-13: Vertical Clearances: Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

10-35-2-14: Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in "vision clearance areas" on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

A. **At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').**

B. **At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').**

C. **At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').**

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

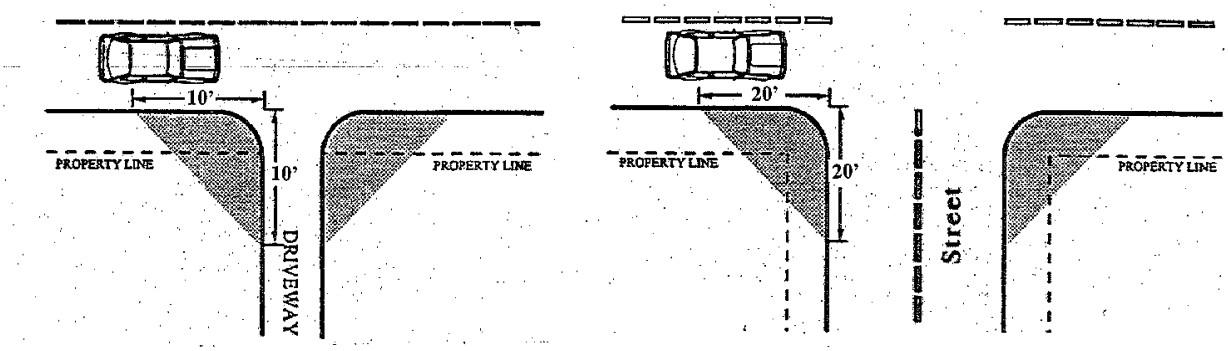


Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)

The application materials illustrate both the vertical and vision clearances are met.

10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

10-35-3-1: Sidewalk Requirements:

A. <u>Requirements</u>: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:

1. Upon any new development of property.

2. Upon any redevelopment of property that expands the building square footage by 25% or more.

3. Upon any change of use that requires more than five additional parking spaces.

B. <u>Exceptions</u>: The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:

1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.

2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.

3. Topography or contours make the construction of a sidewalk impractical.

4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.

5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.

C. <u>Appeals:</u> If the owner, builder or contractor considers any of the requirements impractical for any reason, s/he may appeal the decision to the Planning Commission.

D. <u>Timing:</u> Sidewalks shall be constructed and approved by the Public Works Department prior to final inspection for the associated building permit. No certificate of occupancy may be issued until the required sidewalks are constructed or financially secured.

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

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

Sidewalks will be provided along both sides of the internal loop street and will connect to the multi-use path on Rhododendron Dr. to the internal circulation system which will then provide access to all building entrances and recreation areas.

.

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

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

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

[…]

4. "<u>Primary entrance" for residential buildings</u> is the front door (i.e., facing the street). For multifamily buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

The internal circulation system appears to be reasonably direct, free from hazards, and provides access to all primary building entrances on site. These criteria have been met.

C. <u>Connections Within Development.</u> Connections within developments shall be provided as required in subsections 1 - 3, below:

1. **Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 10-35(5);**
2. **Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be**

cause for not making certain walkway connections; and

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

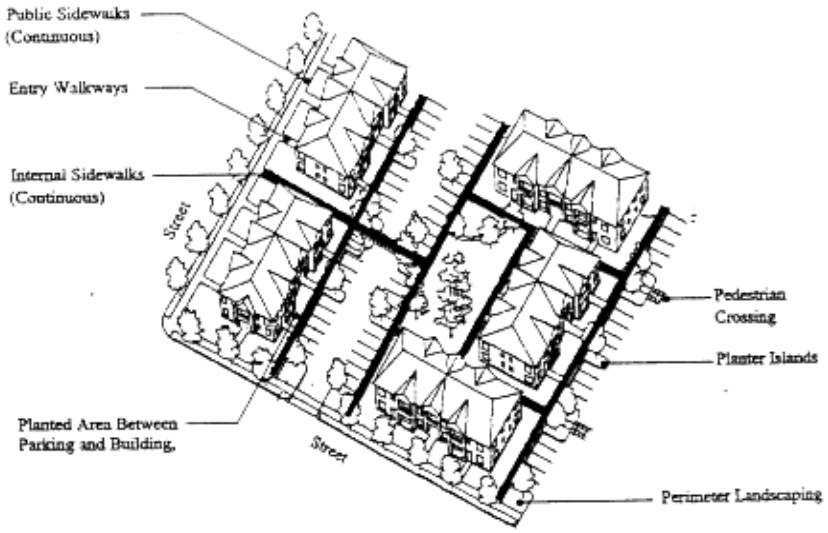


Figure
10-35(5): Pedestrian Pathway System (Typical)

The internal circulation system will provide direct access to all building entrances, on-site parking areas, storage areas, recreation facilities and common areas. The internal circulation system will connect with the proposed multi-use path on Rhododendron Drive.

10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

A. <u>Vehicle/Walkway Separation.</u> Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

All proposed walkways, abutting streets and driveways will be separated by a six-inch curb.

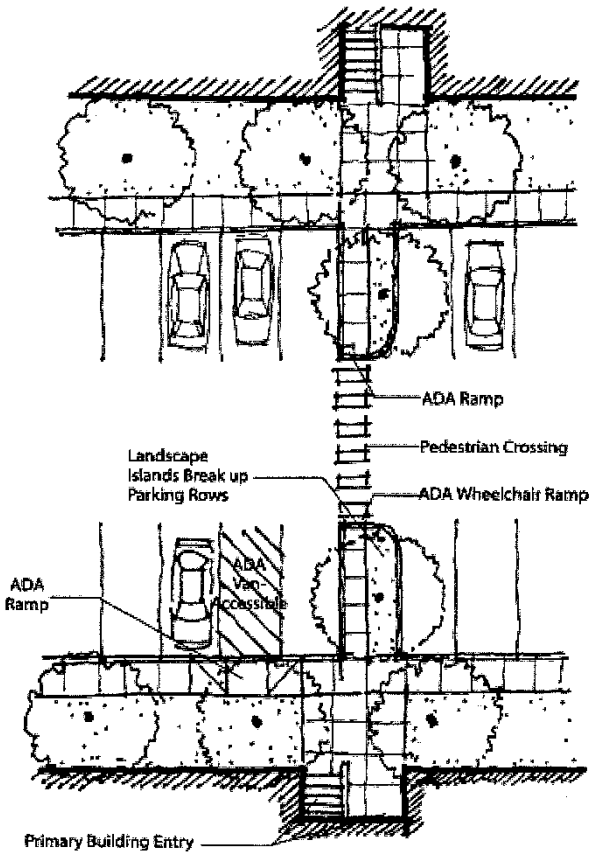
B. <u>Pedestrian Crossing.</u> Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.

All pedestrian crossings will be clearly marked with contrasting materials in accordance to this subsection.

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

The applicant proposes that all walkway surfaces be constructed of a durable surface as approved by the Public Works Director, and be at least five feet wide without a curb. The multi-use path to be located on the east side of Rhododendron Dr. was originally understood to be ten feet wide; however, after conversations with staff, the applicant understands that the path my provide an 8' wide pathway and they will be redesigning their pathway to meet City recommendations.

Figure 10-35(6):
Pedestrian Walkway Detail (Typical)



D. <u>Accessible routes.</u> Walkways and multi-use paths shall conform to applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

All walkways and multi-use paths are planned to conform with applicable ADA requirements. Ramps will be provided where walkways intersect with driveways and streets, On-site walkways will provide direct routes to primary building entrances. Sheet L-2 in Exhibit E best illustrates these circulation options.

10-35-4: Transit Facilities: Proposed uses other than single-family residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

A. If the proposed uses are located on a site within ¼ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

No existing nor planned transit stops are located within ¼ mile of the project site,

TITLE 10: CHAPTER 36 PUBLIC FACILITIES

10-36-2: STREET STANDARDS:

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

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

The proposal includes the creation of new lots. There is inconsistency between the platting proposal and the PUD proposal. In the platting materials, all but one lot, Lot 22, have street frontage via Rhododendron Dr., 35th St., internal Loop Road., or on one of the seven Lanes (A-H, excluding B & I). Lot 22 fronts on the driveway of the southern Multi-family development, which is illustrated as Lane B on the PUD materials. Lot 22 shall be platted with street (Lane) frontage or reclassified as a Tract with no dwelling, [Condition 14].

Sheet C-4 of Exhibit H depicts ROW cross sections. What shows as an alleyway cross section should be labeled as a Lane. Additionally, this same cross section is labeled "Tract" at the top of the illustration and should be labeled as "Proposed Right-of-Way," [Condition 14a].

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.

Pedestrian and roadway improvements are proposed along Rhododendron Dr., 35th St. and Siano Loop. The proposed improvements are reviewed below.

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.

Additional street width is proposed along Siano and Rhododendron Dr. The proposed improvements are reviewed below.

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.

The proposal includes paving of all new streets and lanes (alleys). This criterion is met.

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.

There are three transportation projects identified in the TSP for the Rhododendron Dr. frontage of the proposed project, PRJ-17D, MU-1B, and B-4. There is a nexus for the first two, constructing the arterial cross-section and constructing a separated multi-use path. B-4 is for bicycle related tourism.

The applicant originally proposed using the alternative development cross section for Rhododendron Dr. rather than the standard cross section. That option is available when there are topographical or physical constraints. The grading plan does not illustrate any topographical constraints and there are no structures or major utility infrastructure physically constraining the development of the right-of-way. The right-of-way is platted sufficient width—60 feet, so no additional right-of-way dedication is anticipated. The City has included in their capital improvement plan construction of the path both south and north of 35th St. and participation has been secured from Fairway Estates development to the north. Construction of the alternative development cross section would be in conflict with the capital improvement plan. The applicant shall construct the cross-section standard for Rhododendron Dr. or as modified by the Public Works Director or enter into a non-remonstrance agreement for proportionate contribution to near future improvements to Rhododendron Dr. in conformance with the TSP, [Condition 15]. Since the original Findings of Facts were submitted to the applicant, they met with the City and learned that the 10' wide pathway they had planned could be reduced to 8' and therefore the City's preferred design could be implemented. Nevertheless, the condition still holds.

10-36-2-3: Creation of Rights-of-Way for Streets and Related Purposes: Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be recorded, and provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Florence Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

The proposed development will utilize a private street system on-site, through the platting of a road and 'Lanes". New public (City) right-of-way for streets will not be created through this development. This criterion is met.

10-36-2-4: Creation of Access Easements: The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code and the City of Florence Standards and Specifications.

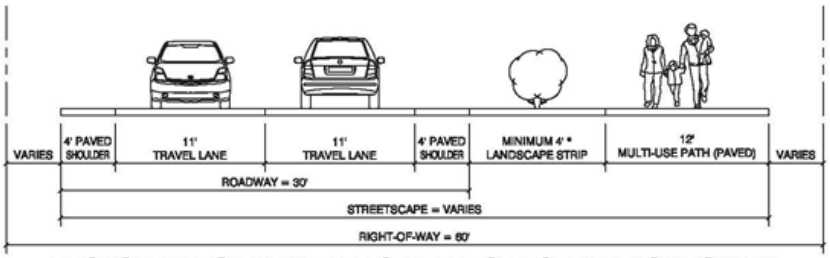
The plat illustrates lot access through alleys labeled "Lanes" and "Loop Road" which has no designation. There is no mechanism either illustrated such as easements or written such as plat notes indicating how private access will be granted through the onsite transportation network. Typically, there would be a note stating all "Loop Road and all Lanes are private roads". With final plat applications the materials shall provide notation or easement illustrating access ownership and conveyance, [Condition 16].

10-36-2-5: Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.

A. Street right-of-way and pavement widths shall be based on the following cross section standards. See individual zoning chapters for additional requirements regarding sidewalk width (for sidewalks wider than the standard 5 feet).

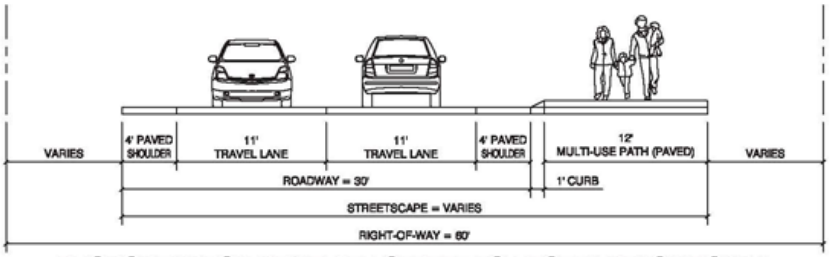
There are three transportation projects identified in the TSP for the Rhododendron Dr. frontage of the proposed project, PRJ-17D, MU-1B, and B-4. There is a nexus for the first two, constructing the arterial cross-section and constructing a separated multi-use path. B-4 is for bicycle related tourism.

Refer to 10-36-2-2 c, above.



RHODODENDRON DRIVE: 9TH STREET TO HECETA BEACH ROAD **
(STANDARD SECTION WITH SEPARATED PATH)

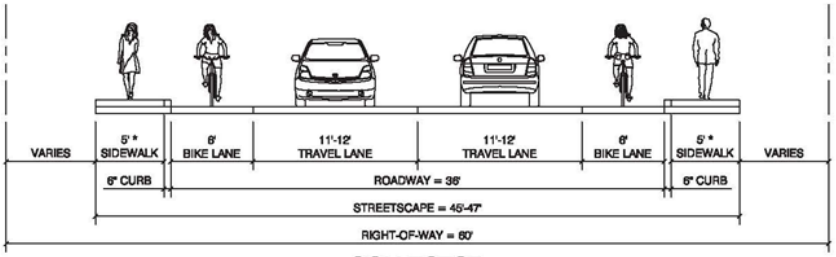
* WHERE PHYSICAL SPACE DOES NOT ALLOW A 4' SEPARATION, A VERTICAL CURB, BARRIER, OR RAIL SHOULD BE USED TO SEPARATE MOTOR VEHICLE TRAFFIC AND THE MULTI-USE PATH AS SHOWN IN ALTERNATE SECTION BELOW.
** PER RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN (JAN 2008).



RHODODENDRON DRIVE: 9TH STREET TO HECETA BEACH ROAD *
(ALTERNATE SECTION WITH RAISED PATH)

* PER RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN (JAN 2008).

The applicant proposes adding 5' of sidewalk, 7' of roadway and right-of-way dedication for ADA transitions to 35th St. This proposal exceeds the below cross section, as 15' of travel lane may be too wide. Prior to submittal of construction plans for review and approval by the Public Works Director the applicant shall coordinate with the City on street cross-section proposals, [Condition 17].

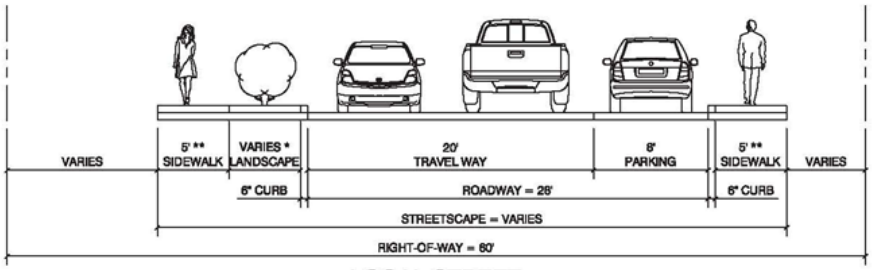


COLLECTOR
(NO PARKING)

* ALL DOWNTOWN STREETS TO HAVE 5' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.

The applicant proposes adding 5' of sidewalk, 6' of bike lane and 3' of right-of-way dedication for these improvements to Siano Loop. This road was platted at 40' width in the 1970's and does not meet current dedication standards. The development's CCRs do not permit on-street parking. The HOA is defunct. The proposal meets City standards for local streets. Prior to submittal of construction plans for review and approval by the Public Works Director the applicant shall coordinate with the City on street cross-section proposals, [Condition 17].

The applicant proposes to construct a private local roadway, Loop Road, through the development. The proposed right-of-way width varies from 45' to 37' depending on the availability of parking. The proposed streetscape that includes parking exceeds the below local streetscape dimensions, with 20' of travel lanes, 5' of sidewalks on both sides and a 3' landscape strip on each side. The cross section without parking does not meet the standards due to the absence of a parking lane. Where this cross section is used is in the area of pedestrian crossings and project entry and so appropriate. The total right-of-way width is not met. The applicant will need to consult with the utility providers to coordinate location of cable, power, and phone service, which are typically located in the remaining area. Modifications to street standards for right-of-way width are available below.



LOCAL STREET
(PARKING ONE SIDE)***

* OPTIONAL LANDSCAPE WIDTH AND LOCATION MAY VARY AND IS TO TO BE DETERMINED BASED ON PHYSICAL AND BUILT ENVIRONMENT.
** ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.
*** REQUIRES APPROVAL BY CITY TRAFFIC ENGINEER.

B. Modifications to the street standards identified in section A, above, may be made pursuant to Title 11 Chapter 7. Considerations based on the existing conditions along with the following factors would be reviewed as part of determining a hardship or meeting the purpose of Title 11:

1. Street classification in the Transportation System Plan

2. Anticipated traffic generation

3. On-street parking needs

4. Pedestrian and bicycle requirements based on anticipated level of use

5. Requirements for placement of utilities

6. Street lighting

7. Minimize drainage, slope, and sensitive lands impacts

8. Street tree location, when provided

9. Protection of significant vegetation, as provided for in Chapter 34

10. Safety and comfort for motorists, bicyclists, and pedestrians

11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided

12. Access needs for emergency vehicles

13. Transition between different street widths (i.e., existing streets and new streets)

14. Driveway Off-sets

15. Curve Radii

16. Queuing Factors

The project includes a variation in Loop Road's right-of-way width from the standards set by code. The project is utilizing the PUD process which permits a relaxation in the code standards. The proposal does include street lighting, pedestrian access on both sides of the street, street trees, street furnishings in adjacent open space tracts, no driveway curbcuts, and on street parking. There are no concerns for radii at the two curves and more than one egress is provided from the site. The applicant will need to consult with the utility providers to coordinate location of cable, power, and phone service, which are typically located in the remaining right-way area.

C. Partial street improvements may be accepted only in the case of a collector or arterial street and only when requiring a full-width street improvement cannot be justified based on the proportionate impact of the development on the transportation system. Where a less than full street is allowed, the minimum total paved width shall provide for two travel lanes, and for bicycle lanes if warranted.

Partial street improvements are not proposed.

10-36-2-7: Alleys, Public or Private: Alleys shall provide a 20-foot right-of-way and 16 feet of pavement. Unless otherwise approved by the Planning Commission, where topographical conditions will not reasonably permit, grades shall not exceed twelve percent (12%) on alleys. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than twelve (12) feet or wider if required by the Fire District.

The project includes alley (labeled as 'lanes') access for all of the single family attached and detached dwellings measuring 20' wide with 16' of pavement. The lanes do not intersect with one another, have sharp changes in alignment or exceed 12% grade. The Siuslaw Valley Fire and Rescue has not indicated a need for a radius greater than 12%. Criteria are met.

10-36-2-8: Private Streets: Private streets shall conform to City standards of construction and shall include sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter or the Transportation System Plan. Legal assurance for construction and maintenance shall be required of the developers and owners. Private streets shall connect with public streets to complete the City's transportation system grid where practical.

The proposed private street has been designed to conform to City standards of construction and will include sidewalks. There are no planned connections through this development to public streets. The revised master plan approved in 2005 for this property required vehicular connection through what is now Wisteria to Royal St. George. This opportunity is no longer available with the platting of that land. The criteria are met.

10-36-2-10: Block Length and Block Perimeter: In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway):

A. Residential Districts: Minimum of 100-foot block length and maximum 600-foot length; maximum 1,400-foot block perimeter

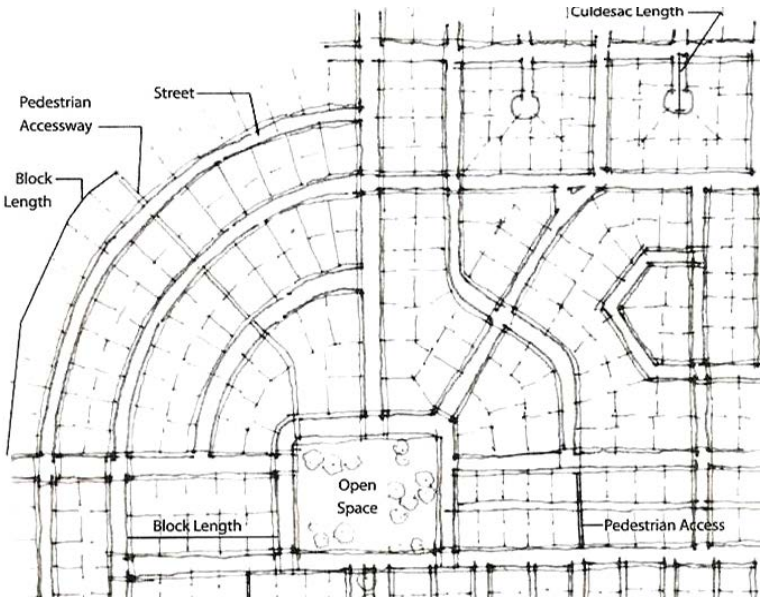
B. Old Town and Main Street Districts: Block lengths shall be consistent with the existing town

plat, as of June 2009.

C. General Commercial, North Commercial and Highway Commercial Districts: Minimum of 100-foot block length and maximum 600-foot length; maximum 1,400-foot block perimeter

D. Not applicable to the Industrial Districts

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



The project is located within a Residential District and has a maximum block length of around 550 feet along Lane C (longest block) with a perimeter of that same block of around 1,250 feet. There are no block lengths less than 100'. This criterion is met.

10-36-2-11: Traffic Controls:

A. Traffic signals/roundabouts shall be required with development when traffic control warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. Traffic signal/roundabout design shall be approved by City Engineer. The developer's financial responsibility and the timing of improvements shall be included as part of the development approval.

B. Traffic controls on roads under State jurisdiction shall be determined by the Oregon Department of Transportation. Traffic controls on roads under Lane County jurisdiction shall be determined by Lane County.

C. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

D. Where the City TSP identifies future traffic signals, additional right-of-way shall be provided at the intersection to accommodate the signal apparatus.

The application includes a Traffic Impact Analysis (TIA) performed by Kittleson and Associates that concluded no traffic controls were warranted, (Exhibit G). The TIA was peer reviewed by Jim Hanks, PE. His conclusions are attached to this report and include several concerns for the analysis:

1. Timing of traffic counts was performed, December 4, 2019, the week after Thanksgiving, a typically unacceptable time of year that seasonal adjustments will not necessarily account for.
2. Utilizing ODOT's traffic growth projections for Highway 101 on a project using city streets is problematic. ODOT's projections do not account for development growth but rather illustrate traffic trend data.
3. Not all right and left turns off of 35th and Rhododendron Dr. were evaluated. Oak St. is one notable miss.

For these reasons accurate peer review analysis of Kittleson's conclusion on the need for traffic controls cannot be ascertained. The TSP does not predict any traffic controls being needed at the intersection of 35th and Rhododendron Dr. such as a roundabout or signal, there could be the need for one or more stop signs or some other feature. There are no roadways under county or state jurisdiction being suggested by the applicant, peer reviewer or even ODOT as needing traffic controls.

The applicant provided staff with an updated TIA (Exhibit G1). This study is currently under peer review as of the writing of this FOF.

The project is divided into two phases. In conjunction with application for Final Plat for the second phase the TIA shall be updated using traffic projection methodology that accounts for this project's phases, other approved projects in the transportation corridors being reviewed and is consistent with the TSP methodology used, [Condition 11].

10-36-2-12: Medians: The use of landscaped medians improve community appearance, helps maintain system mobility and reduces the effects of wide street widths to all modes of travel. Medians will be landscaped with water efficient plant materials unless otherwise indicated below.

A. At intersections where left turn pockets are constructed, the 16-foot wide median will transition to an 11-foot wide left turn lane with a five-foot pedestrian refuge median separating the left turn lane from oncoming traffic. Intersections and access must comply with Chapter 35, Access and Circulation.

B. Medians on roads under State jurisdiction shall be determined by the Oregon Department of Transportation.

This project does not have include any intersections using left turn pockets. This criterion is not applicable.

10-36-2-13: Street Alignment, Radii:

A. On Arterial and Collector Roadways, intersections shall be spaced at a minimum of 250 feet, as measured from the centerline of the street.

The intersection spacing between the northern Loop Road entrance and Coast Guard Road is approximately 360' and around 350' between the southern Loop Road entrance and 35th St. The two intersections of Loop Rd. with Rhododendron Dr. are approximately 275' apart. This criterion is met.

B. On Local Streets, street centerlines at intersections may not be offset by more than two feet. Intersections shall be spaced at a minimum of 125 feet, as measured from the centerline of the street.

There are two 4-way intersections along Loop Road within the development, Lanes I and A and Lanes C and H. In reviewing the plat the north-south orientations of these two intersections appear to be offset more than 2'. There are nine intersections within the development. Of these, two sets are located closer than 125' apart, Lanes A and B and C and D. The applicant is requesting an exception through the PUD process.

C. Corner curb return radii shall be at least thirty-five (35) feet on Arterial Streets and at least twenty (20) feet on other streets, except where smaller radii are approved by the Public

Works Director. Larger Radii may be required by the Director to accommodate emergency and freight vehicles.

The corner curb return radii were not provided on the plans or plats. The application includes simulations of fire truck turning at intersection on C5. Final plat materials shall indicate the corner curb return radii meeting city code standards, unless modified by the Public Works Director. [Condition 18]

10-36-2-14: Intersection Angles: Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case shall the centerline angle be less than 80°; elbow or knuckle corners are not allowed (see Figures 10-36(3) and (4) for illustrations). In addition, the following standards shall apply:

A. Streets design shall provide a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way unless a lesser distance is approved by the Public Works Director (see Figure 10-36(5) for illustration).

B. Intersections that are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle.

Figure 10-36(3): Street Intersection Angle

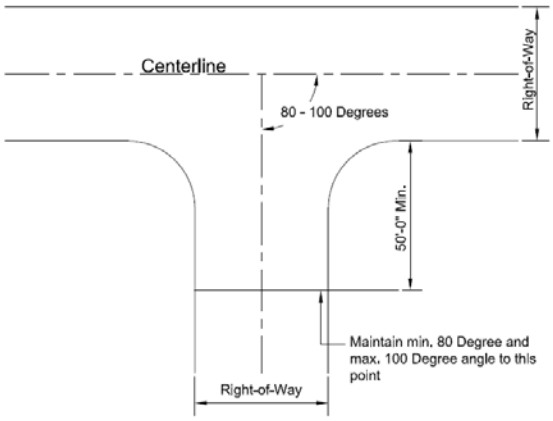


Figure 10-36(4): Elbow and Knuckle Corners are Prohibited

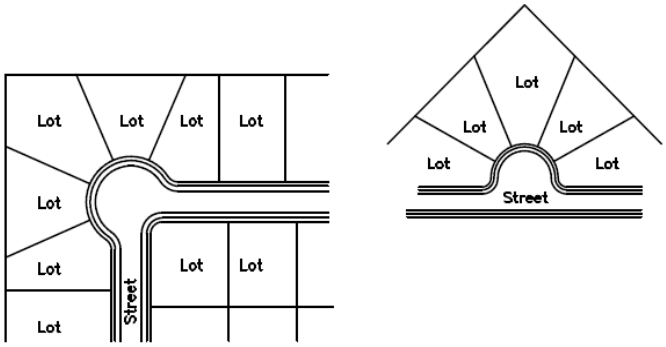
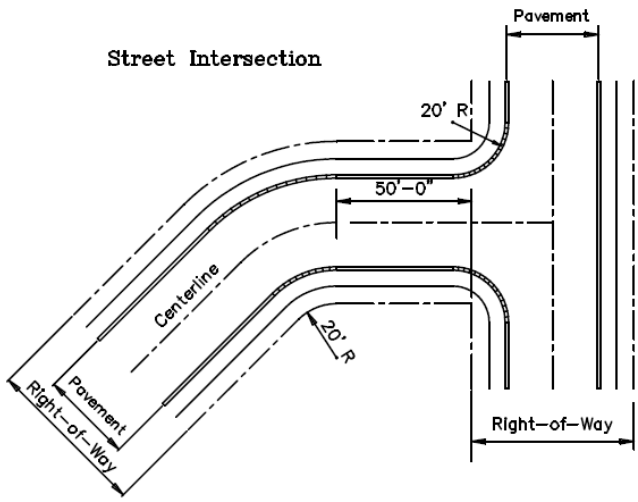


Figure 10-36(5): Street Intersection



All of the streets intersect at or near right angles at the intersections All but four of the thirteen proposed street intersections provide a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way. Loop Road provides a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way of Rhododendron Dr. Lanes G and D serve 8 houses each and do not have the 50' of straight centerline…and neither do the northern intersections of Lanes A and C, although C is very close. The applicant is requesting an exception to the criteria using the PUD application.

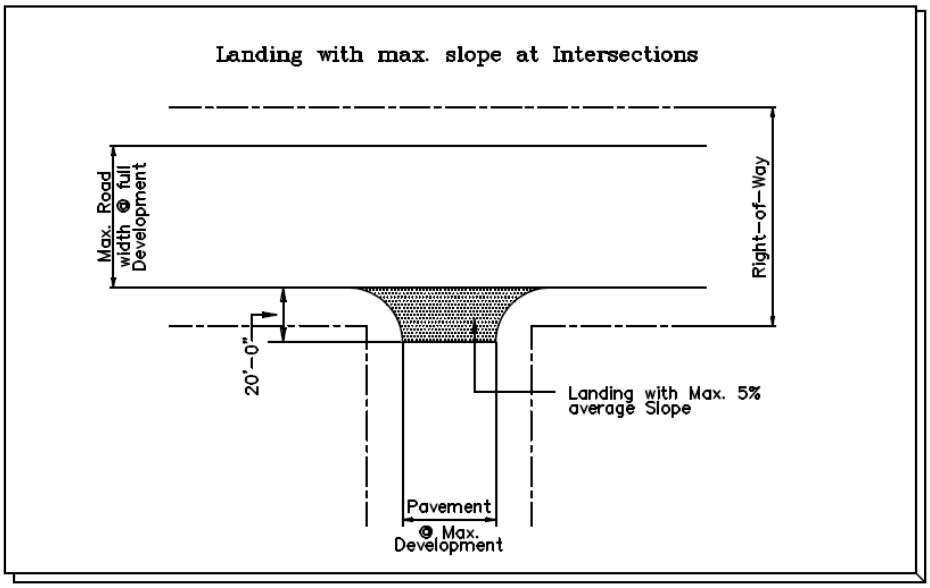
10-36-2-15: Grades and Curves: Unless otherwise approved by the City due to topographical conditions, grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on all other streets. Grades in excess of 10% require Fire Code Official approval.

A. Centerline curve radii shall not be less than 700 feet on arterials, 350 feet on collectors, or 100 feet on other streets.

B. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging 5% slope or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement. See Figure 10-36(6) for example.

C. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be subject to the approval of the Public Works Director.

Figure 10-36(6): Street Intersection Landing



As shown on the Grading and Erosion Control Plan (Sheet C-7 in Exhibit H), grades will not exceed 12 percent on the proposed streets. The internal circulation system consists of a private street loop and private alley system. The private loop road will have a centerline curve radius of 60 feet in one location. The intersection of the private street with Rhododendron Drive will have a landing that does not exceed five percent slope. These criteria is met.

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.

The application includes sidewalks and planter strips in accordance with the City's design standards within their development and along 35th St. and Siano Loop. Rhododendron Dr. has been conditioned to meet the City' standards.

10-36-2-17: Existing Rights-of-Way: Whenever existing rights-of-way adjacent to or within a proposed development are developed less than standard width, additional rights-of-way shall be provided at the time of subdivision or site development, in conformance with FCC 10-36-2-5.

The proposal includes right-of-way dedications along 35th St. and Siano Loop. This criterion is met.

10-36-2-18: Curbs, Curb Cuts, Ramps, and Driveway Approaches: Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with Chapter 35, Access and Circulation, City of Florence Standards and Specifications and the following standards:

A. Curb exposure shall be per City Standards and Specifications.

B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.

C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.

All proposed curbs have been designed to meet the City of Florence Standards and Specifications and are consistent with the requirements of this section.

10-36-2-19: Street Names: The developer shall submit proposed street names to the City of Florence Community Development Department for review and submittal to the Lane County Road Naming Committee for approval prior to recording final plat. No new street name shall be used that duplicates or could be confused with the name of an existing street in the County. Street names shall be in conformance with FCC 8-2-1-1.

The applicant is delaying submittal of street names until Final Plat. The names provided shall meet the standards in FCC Title 8 Chapter 2 Section 1-1.

10-36-2-20: Survey Monuments: Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been re-established.

10-36-2-21: Street Signs: The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developer and shall be installed as part of the street system developed and approved through the land use process. Signs shall be installed by developers per City of Florence Standards and Specifications.

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

10-36-2-23: Street Light Standards: Street lights shall be provided in all developments within the City and shall be provided in accordance with Resolution 16, Series 1999. The Planning Commission during site design review may add street lights at other locations and authorize specific exceptions to the above priorities when necessary in order to enhance the public safety and welfare; actual locations may be varied slightly depending on placement of Central Lincoln PUD poles. Streetlights shall be installed in accordance with City of Florence Standards and Specifications. Where a private street intersects a public street, a street light shall be installed.

The applicant's proposal meets or will meet these criteria upon Final Plat approval.

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

A. Sewers, Water, and Stormwater Mains Required: Sanitary sewers, water mains, and stormwater drainage shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan, Florence Code Title 9 Chapters 2, 3 and 5, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision; stormwater, sewer and water system improvements shall also be stubbed to the edge of the subdivision for future development.

A Composite Utility Plan (Sheet C-8 in Exhibit H) was provided under Appendix E which illustrates the proposed sewer, water and storm water design for the site and how the developer plans to connect to the City's existing mains. No streets are proposed to stub for future development. This criterion is met.

B. Sewer, Water, and Stormwater Plan Approval: Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.

The Public Works Director recommended looping the dead-end water lines within 15' wide easements in Lanes D, E, F, and G. The proposed layout does not accommodate the recommendations. In conjunction with utility construction plan review and approval by the Public Works Dept. the applicant shall provide a blow-off/air release valve assembly at the end of each line, if required**,** [Condition 19].

C. Existing Watercourse: Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety and consistency with the Stormwater Manual.

D. Over-Sizing: The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements.

The subject site is traversed by existing drainage channels. The stormwater management plan and utility plan include rerouting and piping this system maintaining the existing outfall. No new flows are proposed for this rerouted system. Oversizing of utilities is not required. The requirements of these criteria are not applicable.

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 proposed development application states it will conform to the applicable provisions of the Oregon Fire Code. Verification of existing and proposed water service mains and hydrant flow supporting the site will be required to be submitted for review and approval by the Building Official and Fire Marshall. [Condition 20].

F. Inadequate Facilities: Development permits may be restricted by the City where a deficiency exists in the existing water, sewer or stormwater system that cannot be rectified by the development and that if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to

operation of domestic water and sewerage treatment systems.

The site can be adequately served by the existing water, sewer and stormwater system. This criterion is 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 applicant shall apply and receive required state permitting prior to the site disturbance, [Condition 21].

10-36-5: UTILITIES:

A. Underground Utilities:

1. <u>Generally.</u> All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

2. <u>Subdivisions.</u> In order to facilitate underground placement of utilities:

a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic.

b. The City reserves the right to approve the location of all surface-mounted facilities.

c. All underground utilities, including water, sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.

d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Exception to Undergrounding Requirement: An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or high water table or existing development conditions.

All new utility lines will be located underground, as shown on the Composite Utility Plan (Sheet C-8, Exhibit H). This criterion is met.

10-36-6: EASEMENTS:

A. Provision: Dedication of easements for storm water, sewers, water and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title. Easements for utility lines shall be not less than fifteen feet (15') in width and the utility shall be located in the center of the easement. Before

a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require an additional five foot (5') easement for utility lines along street frontages when necessary.

B. Recordation: As determined by the City all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat.

Easements are proposed on the plat application materials for all public utilities on site. All proposed utility easements have been shown on the Composite Utility Plan (Sheet C-8, Exhibit H).

10-36-7: CONSTRUCTION PLAN APPROVAL AND ASSURANCES:

A. Plan Approval and Permit: No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City Public Works Director, permit fee paid, and permit issued.

B. Performance Guarantee: The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements.

Prior to construction of streets or utilities an engineered construction plan shall be submitted for review and approval by the Public Works Director, [Condition 22].

10-36-9: PARKLANDS:

A. Purpose: For the purpose of promoting health, safety, and the general welfare of City residents, this section provides for the provision of parkland for recreational opportunities and/or open space for passive recreational use for Florence residents. The parkland provision serves the following specific purpose:

1. To address the Community Needs identified in the Florence Parks and Recreation Master Plan (Master Plan) and to ensure that park land and open space are provided to meet the needs of residents of new residential developments.

B. Parklands:

1. Developers are encouraged to work with the City to identify parkland facilities proposed in their service area. If the City has an interest in acquiring a portion of a proposed land division or development, or if the City has been advised of such interest by another district or public agency, and there is reasonable assurance that the steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

2. Areas smaller than one acre for new public parkland is generally impractical. If less than one acre of public parkland is proposed, the dedication should add on to an existing park area within or adjacent to the development site or provide some special public benefit acceptable tot eh city such as a trail connection.

C. Standards for Parkland:

1. **<u>Ownership and Maintenance Requirements.</u> Land provided for parkland shall be owned and maintained in one or more of the following ways:**

   a. **Dedicated to, and accepted by, the City;**
   b. **Privately owned, developed, and maintained by the property owner or Home Owners Association;**
   c. **Owned and maintained by a land conservation entity, such as The Nature Conservancy;**
   d. **Accessible to the public through a public easement**

Figure 4.4 in the Community Park Service Areas Map within the Parks and Recreation Master Plan (EXHIBITJ) illustrates the proposed development is served by a nearby community park. Figure 4.5 illustrates the proposed development is served by Rolling Dunes and Pepperoaks Parks. The proposal includes private parks and recreational amenities to be owned, maintained and used by the residents.

TITLE 10: CHAPTER 37: LIGHTING

10-37-2: APPLICABILITY: Section 10-37 applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted by provision of this Ordinance. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lot and maneuvering areas, landscape areas, streets and street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

A. Resumption of Use - If a property with non-conforming lighting is abandoned for a period of one year or more, then all exterior lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.

B. Major Additions or Alterations - If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

   1. **Additions of 26 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.**

   2. **Single or cumulative additions, modification or replacement of 25 percent or more of installed exterior lighting luminaires existing as of the effective date of this Ordinance.**

   3. **Existing lighting on sites requiring a conditional use permit or variance after the effective date of this ordinance.**

C. Amortization - On or before 10 years from the effective date of this code, all outdoor lighting shall comply with this Code. Most outdoor lighting will be fully depreciated at the end of 10 years if not sooner. "Easy fixes" such as re-aiming or lowering lumen output of lamps is recommended in advance of the effective date of the ordinance. Where lighting is judged to be a safety hazard immediate compliance is required.

This proposed project is adding dwelling units to vacant parcels of land and is subject to this chapter.

10-37-3: LIGHTING PLANS REQUIRED: All applications for building permits and land use planning review which include installation of exterior lighting fixtures, not exempted, shall include the number of luminaires, the number of lamps in each luminaire, a photometric report for each type of luminaire and a site plan with the photometric plan of the lumen output.

The City shall have the authority to request additional information in order to achieve the purposes of this Ordinance.

The application includes a photometric plan on Sheet C6 for the entire site that includes the location of each type of luminaire. The Key Notes include the number of lights, their wattages, lumen output, and mounting heights. Imagery of the luminaires was not provided. Inspiration for their exterior pole lighting fixtures is on Sheet L4 in EXHIBIT E. This criterion is met.

10-37-4: LIGHTING STANDARDS:

A. All exterior lighting fixtures subject to this code section must be designed as a full cut-off fixture or have a shielding method to direct light emissions downward below the horizontal plane onto the site and does not shine illumination or glare skyward or onto adjacent or nearby property.

The application proposes use of four lighting styles throughout the development. Three of these are illustrated below. The pole light is full cut-off and the garage round downlight not pictured is presumed to be mounted flush in the ceiling and thus shielded. These two meet the criterion. The garage doors of the attached and detached single family units and the northern multi-family complex parking area are proposed to have the unshielded wall pack illustrated below to the right. The lumen output exceeds the amount permitted under the exceptions section below. A shielded version is also illustrated below and is acceptable. The open space areas and ped-ways are proposed to be illuminated with the bollard illustrated in the middle below.

The outward illumination of the bollard creates glare and thus is not permitted under the exclusions and so not permitted. There are a number of dark sky compliant bollards of similar design and even more complimentary with the proposed street lighting. The WKP Wal-Pak and Lightwave ULW-10874 bollard lighting shall be replaced with full cutoff fixtures. A revised photometric plan shall be provided for review and approval in conjunction with applications for the first of either the Final PUD or building permits, [Condition 23].

B. Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.

There are two parking areas: northern multi-family and southern multi-family. The parking within the loop road and within the detached single-family dwelling lots is not reviewed under this criterion as they have other sections more applicable to them.

The northern development parking spaces are located entirely under the buildings and have illumination ranging from 14.2 to 1-foot candles. The southern development provides parking mostly under the buildings but there are three groups of three parking spaces each located between the two buildings. Illumination ranges from 8.6 to .6-foot candles. In both cases they exceed the maximum 5 foot-candles permitted over parking spaces and 7 foot-candles permitted by the DRB under the light fixture. Given the proximity of adjacent residential dwellings next to the multi-family structures that would not be permitted except for the PUD designation less than 2 foot-candles would be acceptable. For this same reason the lighting should not exceed the maximums provided. The lighting plan shall be revised to provide no greater than 5 foot-candles over parking spaces and walkways and no greater than 7-foot candles directly under light fixtures, [Condition 24].

C. Lighting in or adjacent to residential zones or residential uses shall not exceed twenty feet in height as measured from the adjacent grade to the top of the light fixture. Heights in other zoning districts shall not exceed 25 feet unless the Design Review Board adopts findings that the higher light fixtures are necessary to achieve proper illumination levels.

D. Main exterior lights for commercial, institutional, and industrial buildings, landscaping and parking lots shall be extinguished at end of business hours with a minimum lighting remaining for personal and building security and safety after hours.

E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.

F. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination is restricted to the sign face and glare is eliminated.

G. Lighting for roadway signs and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

The application proposes light mounting heights of 16', 12', 10' for the two types of pole and round downlights in the multi-family garages. Mounting heights for the garage Wal-Paks are not provided. Since they are proposed on both the northern multi-family structure and the single family structures the heights likely vary. Light mounting heights shall be no greater than 20', [Condition 25]. There are no commercial, institutional, industrial uses or lighting for roadways proposed. There is bollard lighting for pedestrian ways proposed that does not meet the criteria in "G" above and is conditioned to earlier in this section.

10-37-5: EXEMPTIONS:

R. **In addition to exceptions mentioned above the below apply to residential uses.**
1. **One partly shielded or unshielded luminaire at the main entry, not exceeding 630 lumens.**
2. **Any other partly shielded or unshielded luminaires not exceeding 315 lumens.**
3. **Low voltage landscape lighting aimed so that glare is not visible from adjacent properties and not exceeding 525 lumens per fixture.**
4. **Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding 1,260 lumens.**
5. **Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 10 minutes after the area is vacated.**

6. **Decorative low wattage lights.**

The lighting proposed for the residential uses does not meet the lumen outputs listed above and therefore are not excepted.

10-37-6: PROHIBITIONS:

A. Laser Light Source. The use of laser source light or any similar high intensity light for exterior advertising or entertainment is prohibited.

B. Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies is prohibited.

C. Blinking & Flashing Lights. All blinking and flashing lights except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights are prohibited.

D. Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial districts; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line; and, such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the City of Florence Sign Code.

None of the lighting sources mentioned above are proposed. Criteria are met.

TITLE 9: UTILITIES

TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT REQUIREMENTS

9-5-1: GENERAL PROVISIONS

9-5-1-1: PURPOSE
The purpose of this Code is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with existing and future land development within the City. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the negative effects of development on the existing stream channels, assist in the attainment of water quality standards, help protect the quantity and quality of the water in the aquifer, enhance and protect the natural environment associated with the drainage system, and facilitate orderly development while mitigating the associated impacts of development.

…This Code defines the minimum requirements for stormwater management facilities. Additional requirements may be required by the City if the minimum requirements will not satisfy the overall purpose of this Code.

The proposed PUD development requires use of on-site stormwater management facilities supported through the findings of an engineered stormwater management plan for the project. The project is located in the most downstream subbasin of the Northwest Basin. The properties in the adjoining Sea Watch Basin west of this development have suffered known river bank failures due to surcharges of ground water. The applicant proposes the use of infiltration, soakage trenches and dry wells for roof run-off. No detention systems are proposed. Due to the location of the project near known areas of hydrology concerns additional requirements to include analyses, testing and conditions of approval may be required to satisfy the overall purposed of this code. Stormwater has been conditioned later in these FOF.

9-5-1-6: PUBLIC STORMWATER SYSTEM:
A. Storm drainage and management facilities may or may not be publicly owned and maintained.

B. The City Manager or his/her designee may require that a stormwater facility that serves more than one property be a public facility provided the easement and maintenance requirements of this Code are satisfied.

The existing drainage facility on-site that serves the golf course and residential golf course associated properties north of the property is proposed to be rerouted. The proposed plans do not illustrate the intent for this system to be public or private.

C. Storm drainage and management facilities within a Planned Unit Development (PUD) may or may not have a publicly owned and maintained system. Generally, if the City owns and maintains the roads and there is free ingress and egress from the community (not gated), then the City may own and maintain the stormwater system provided the easement and maintenance requirements of this Code are satisfied. Ownership of the PUD stormwater system shall be established prior to the issuance of construction permits.

The proposed plans do not illustrate whether the PUD roadway drainage system will be public or private. The roof drains systems will be private facilities. Ownership of the stormwater system shall be established prior to the issuance of construction permits for the utilities. (Informational 1)

9-5-1-7: EXTENSION OF PUBLIC STORMWATER SYSTEM:

A. If necessary or required, the public stormwater system shall be extended up to and through to the most distant up gradient and down gradient parcel boundary(ies) to accommodate current and future flows entering or exiting the property. Consideration and accommodation shall be made for all existing drainage routes. Except as otherwise provided, the extension of the public stormwater system to serve any parcel or tract of land shall be done by and at the expense of the property owner(s) or applicant. The City may require that a stormwater system that serves more than one property be a public system.

The stormwater drainage plans provided have been conditioned. Ownership is discussed earlier.

9-5-2: DRAINAGE PLAN SUBMITTAL REQUIREMENTS:

9-5-2-1: GENERAL:

A. A Drainage Plan is required for all development, except as provided in FCC 9-5-2-4. Submittal requirements are tailored to the size and impacts of the development. The submittal requirements are specified in the Stormwater Manual.

B. A registered Professional Engineer licensed by the State of Oregon shall prepare, certify, and seal the Drainage Plan whenever a Professional Engineer is required in the Stormwater Manual or state law. Furthermore, prior to land disturbing activity, the developer for the land disturbing activity shall certify that the proposed activities will be accomplished pursuant to the approved plan.

C. If a land use approval is required, the Drainage Plan shall be submitted and approved as part of the land use approval process. If no land use approval is required, the Drainage Plan shall be submitted as part of the application for a construction or facility permit.

A stormwater drainage plan prepared by an engineer was provided by the applicant for this application. The plan has been peer reviewed by the City's engineer, Civil West Engineering Services, Inc. (Exhibit O). Given the history of the area as it relates to its proximity to the Siuslaw River and the concern of the adjoining Sea Watch HOA and its residents, the conclusions by Civil West was shared with the applicant and another

independent fir, Water Solutions, Inc,, who reviewed the applicant's plan and Civil West's comments (Exhibit P). The final conclusions from these reviews are as follows:

"At this point, we suggest the most straight forward approach is to require the developer to design the storm water infiltration system so that there is no net increase of infiltration post-development. Specifically, the developer would estimate the amount of storm water runoff that currently occurs from the property, and design the storm water collection system to match or even exceed that amount. If it can be demonstrated that less storm water would infiltrate under the proposed development than under current conditions, then spring flows would not increase as a result of the project. In fact, it could be argued that the project may improve the condition that has the Home Owners Association concerned."

In light of the observations provided in the above referenced review, the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist that can bring a better understanding of all the factors in play, [Condition 30].

9-5-3: STORMWATER DESIGN CRITERIA:

9-5-3-1: GENERAL:

A. The criteria in Section 9-5-3 shall be used in the design of public and private stormwater drainage and management systems. Stormwater management facilities shall be constructed in accordance with the Stormwater Manual: the 2008 Portland Stormwater Management Manual, as superseded by the December 2010 City of Florence Stormwater Design Manual; and the 2008 City of Portland Erosion and Sediment Control Manual.

9-5-3-2: STORMWATER QUANTITY (FLOW CONTROL):

A. A 25-year, return period storm shall be used for the design of all private and public stormwater drainage systems.

B. Onsite stormwater management facilities shall be required to prevent the post-development runoff rates from a project site from exceeding the pre-development runoff rates from the site, based on a 2 through 25-year storm. Exemptions to this requirement may be approved by the City Manager or his/her designee if it is determined that a more effective solution is available and that downstream capacity will accommodate the increase in flow.
C. Each new development project is responsible for mitigating its impacts on the stormwater system. This mitigation requirement can be satisfied through the use of any of the following techniques, subject to the other limitations identified by this Code:

1. Construction of onsite facilities to limit the flow rate of stormwater runoff leaving the development site, in accordance with the Stormwater Manual.

2. Enlargement or improvement of the down gradient conveyance system in accordance with the requirements of this Code and the City of Florence Stormwater Management Plan.

D. The development of any land requiring a Drainage Plan shall address onsite and off-site drainage concerns, both up gradient and down gradient (a minimum of 1/4-mile) of the project, including:

1. Modifications to the existing onsite stormwater drainage and management facilities and drainage patterns shall not restrict or redirect flows creating backwater or direct discharge onto off-site property to levels greater than the existing condition unless approved by the affected off-site property owners and the City. Proof of off-site property owners approval shall be provided by having the affected property owner(s) sign an easement identifying the location of the backwater storage

or impoundment area. This area shall be clearly shown on the submitted Drainage Plan site sheet(s). The easement shall be in a form approved by the City and recorded with the Lane County Deeds and Records Office.

2. Stormwater facilities shall be designed and constructed to accommodate all flows generated from the project property in accordance with the land use zoning as shown in the most recent approved City Code.

3. Capacity of the downstream drainage system to determine if increases in peak flow rates resulting from the proposed development can be accommodated.

E. The types of stormwater management controls presented in the Stormwater Manual are available for owners and developers to use in satisfying the pre-developed and post-development runoff requirement. More than one of these types of controls may be needed to satisfy the runoff requirement. In areas where the runoff requirement in Section 9-5-3-2-F are exempt or partially exempt, the City may require improvements to the down gradient conveyance system.

A stormwater drainage plan prepared by an engineer was provided by the applicant for this application. The plan has been peer reviewed by the City's engineer, Civil West Engineering Services, Inc. (Exhibit O). Given the history of the area as it relates to its proximity to the Siuslaw River and the concern of the adjoining Sea Watch HOA and its residents, the conclusions by Civil West was shared with the applicant and another independent fir, Water Solutions, Inc,, who reviewed the applicant's plan and Civil West's comments (Exhibit P). The final conclusions from these reviews are as follows:

"At this point, we suggest the most straight forward approach is to require the developer to design the storm water infiltration system so that there is no net increase of infiltration post-development. Specifically, the developer would estimate the amount of storm water runoff that currently occurs from the property, and design the storm water collection system to match or even exceed that amount. If it can be demonstrated that less storm water would infiltrate under the proposed development than under current conditions, then spring flows would not increase as a result of the project. In fact, it could be argued that the project may improve the condition that has the Home Owners Association concerned."

In light of these observations, the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist that can bring a better understanding of all the factors in play, [Condition 30].

9-5-3-3: STORMWATER QUALITY:

A. Stormwater management facilities to treat stormwater are required for certain types of projects. These water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan and for other projects as required by this section. Stormwater management facilities required for development shall be designed, installed and maintained in accordance with the Stormwater Manual, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the Stormwater Manual.

B. Water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan.

C. Projects located in the Zones of Contribution must have pre-treatment facilities prior to infiltration facilities as prescribed in the Stormwater Manual. When a wellhead protection plan is developed and adopted by the City, this specific requirement may be rescinded or modified by the City.

D. The water quality design storm shall be based on an intensity of 0.25 inches per hour, or 0.83 inches for a 24-hour SCS Type 1A rainfall return event.

E. Water quality facilities must be designed to prevent damage to the facility for flows exceeding the water quality design storm and to ensure no re-suspension of pollutants, consistent with the Stormwater Manual.

G. The types of stormwater management facilities presented in the Stormwater Manual are available for owners and developers to use in satisfying the stormwater quality requirement. More than one of these types of facilities may be required to satisfy this requirement.

The application includes stormwater quality treatment for the vehicular surfaces but not roof drainage. This is acceptable. The roadway drainage is being routed to a soakage trench along Rhododendron Dr. on-site.

9-5-5: EASEMENTS:

9-5-5-1: PUBLIC FACILITIES:
A. Public facilities must have an easement, tract, or right-of-way granted to the City to provide for the inspection and maintenance of the drainage system and stormwater management facilities. A minimum of 7-1 /2 feet is required along each side of the centerline of stormwater pipes and culverts. A fifteen-(15) foot wide access is required around the perimeter of stormwater management facilities (ponds, wetlands, infiltration facilities, etc). A fifteen-(15) foot wide easement with a minimum 10' wide access road located within the easement shall be provided when the public facility does not front a public road. Increased easements/improvements may be required on a case-by-case basis depending upon the unique drainage situation or facility maintenance requirements.

The application includes easements for some utilities. Any public stormwater facilities must have easements as required under FCC 9-5-5-1.

9-5-5-2: PRIVATE FACILITIES:
A. Private facilities must be placed in an easement, tract, or right-of-way that allows for the maintenance of these facilities in accordance with the Operations and Maintenance Agreement.
B. The City may determine that certain privately owned facilities are critical components of the overall stormwater system. In these situations, the City shall be granted perpetual, non-exclusive access that allows for public inspection. The access shall be defined in accordance with the requirements for a public easement, tract, or right-of-way.

All of the stormwater facilities are proposed to be located in Tracts, easements or rights of way. This condition is met. If the Public Works Director determines the private facilities are critical to the neighboring stormwater system an easement may be necessary.

TITLE 11: CHAPTER 1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

11-1-1: PURPOSE: The purpose of this Title is:

- **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 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.**

11-1-2: APPROVAL OF LAND DIVISIONS:

A. No person shall dispose of, transfer or sell any lot or parcel of land in a partition with respect to which approval is required by this Title until such approval is obtained.

B. No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for subdivisions under the provisions of this Title until such approval is obtained.

C. No persons shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any subdivision with respect to which approval is required by this Title until such approval is obtained, and the plat thereof has been acknowledged and recorded with the County recording officer.

[…]

11-1-5: REPLATTING OF SUBDIVIDED LANDS: Replatting of an existing, but undeveloped, subdivision shall follow the following procedures:

A. The applicant shall apply to the City for vacation of existing rights of way as applicable, unless proposed streets and/or common open space of equal area is dedicated to the City as public easements. (Ord. 1, Series 1992). B. The applicant shall apply to the City for partition or subdivision approval as applicable according to the provisions of this Title. (Ord. 669, 5-17-82)

The subject property contains all of Lot A in the Siuslaw Village subdivision. This Lot was not developed out as proposed. No existing rights are required to be transferred. The proposed Tentative Plat aims at incorporating this lot as a replat into a new subdivision of which name is yet to be determined. The final plat draft shall contain a plat name that conforms with this Title, Additionally, the name of the proposed private drive shall be named in accordance with FCC Title 8, Chapter 2 Street Naming and Numbering, Subsection 1-1, [Condition 28].

FCC 8-2-1-1SYSTEM ESTABLISHED: There is hereby established a uniform system of numbering all houses and buildings fronting on all streets, avenues, alleys and highways in the City, and allowing for future growth within the City.
Where practicable all north-south streets through the City shall be named with the names matching the coastal theme of our region: aquatic sea life, native plants, or historic names of local events or people; and where practicable all east-west streets through the City shall be in numerical order.

11-1-6: FEES:

A. Application Fee: In order to cover the actual processing costs connected with the application for tentative plan approval of partitions and subdivisions, the applicant is required to submit a filing fee based on average processing costs along with the application, which fees shall be established by resolution of the Common Council.

B. Administrative Fee: In order to defray the administrative costs connected with reviewing and processing land divisions or adjustments of lot lines, the City shall collect a fee according to a schedule adopted by the City Council. This fee will be collected in connection with the following: Lot Line Adjustments Partitions Subdivisions Planned Unit Developments

The applicant has supplied all the required fees, (EXHIBIT B).

TITLE 11: CHAPTER 3: SUBDIVISION TENTATIVE PLAN PROCEDURE

11-3-1 : APPLICATION: An application for tentative plan approval shall be made by the person proposing the subdivision, or his authorized agent or representative, on a form prescribed by the City and submitted

to the Planning Director, together with two (2) full-size copies, one (1) reduced copy of 11" x 17" or smaller, and an electronic copy of a subdivision tentative plan.

Application for the proposed Tentative Subdivision plat packet was submitted on February 14, 2020 in accordance to this Section. The application was deemed "complete" on May 11, 2020. This criterion has been met.

11-3-2: TENTATIVE PLAN REQUIREMENTS:

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

The application packet for this Tentative Subdivision was submitted February 14, 2020. The application was initially incomplete and was noticed on March 13, 2020. The applicant supplied **the requested item** outlined in the notice and the notice was deemed "complete" on May 11, 2020.

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

The applicant has provided these plans in both formats. The scale used on the drafts varies, depending on the Sheet. This criterion has been met.

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

The application packet does not include an affidavit of services. An affidavit of services shall be provided in accordance to this criterion, [Condition 29].

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

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

The name of the proposed subdivision and internal loop street shall be provided for staff review and prior to Final Plat approval by the Planning Commission**,** [Condition 28].

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

The Tentative Subdivision contains the information above in all sheets located in Exhibit H. This condition has been met.

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

The name of the owner, engineer and land surveyor is indicated on the Sheet C- 0, labeled "Cover Sheet" in Exhibit H.

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

The names and widths of existing and proposed streets have been labeled and shown in Exhibit H. The names of the owner, engineer and land surveyor are indicated on the Sheet C-0, labeled "Cover Sheet" in

EXHIBIT H.

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

A name for the proposed internal drive shall be provided to the Planning Department who will ensure that the name is not a duplicate and in keeping with named area streets per Title 10, Section 8-2-1-1, [Condition 28].

Lane B is not labeled on Sheet C-4 of Exhibit H. Lane B shall be labeled on as it is an access route from the private drive to Lot 22. Without it, Lot 22 would be an illegal lot, [Condition14].

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

EXHIBIT H indicates location and widths for the above. The applicant shall include reservations or restrictions in an instrument such as a Covenants, Conditions and Restrictions that is required for Final PUD approval, [Condition 9].

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%

Sheet C-1 Of Exhibit H includes Note 9 “The Basis Of Bearings And Horizontal Positions: Oregon North State Plane Coordinate System NAD 83 (2011) As Measured And Outputted On The Oregon Coordinate Reference Frame, Oregon Coast Zone” & Note 10 the use of North American Vertical Datum of 1988 (NAVD88). One-foot contour intervals are provided throughout the site. These criteria are met.

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

Sheets C2.1-C2.5 of Exhibit H include the radii of curves of all curves. Sheet C7 includes the proposed grades.

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

These may be found in Exhibit H. This criterion is met.

10. The approximate radii of all curves

Sheets C2.1-C2.5 of Exhibit H include the radii of curves of all curves. This criterion is met.

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

EXHIBIT H details the lot dimensions of all lots and parcels. However, the square foot area of the Tracts is not labeled on each tract nor in a table. Please provide the square footage for these Tracts in conjunction with Final Subdivision submission.

12. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.

13.

C-1 illustrates the location of drainage areas via identification of culverts on site. Additionally, the wetland inventory identifies probable wetlands on-site which is supported via a wetlands analysis commissioned by Public Works in 2018 for relocation of a stormwater facility. A Revised Preliminary Stormwater Management Report (Exhibit F) was provided by the applicant and includes some information on current site conditions. This report is being peer reviewed and comments will be provided when available.

14. 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.

Sheet C-1 in Exhibit H contains information on existing conditions. Additionally, the Narrative in Exhibit C details the existing and proposed uses on the site and area uses. This criterion has been met.

15. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public water supply.

The proposed subdivision will be tied in to the City of Florence water supply. This criterion has been met.

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

A composite utility plan is shown on C-8 of Exhibit H. The specific drainage facility profiles were not provided but will be required prior to construction of on-site facilities.

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

The above information is provided in the applicant's Narrative.

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

The applicant has provided timelines for Phase 1a and Phase 1b. These are shown on Sheets A-3 and A-4 of Exhibit D.

19. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

The applicant has provided a grading plan on Sheet C-7 of Exhibit H.

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

11-3-3: REVIEW OF TENTATIVE SUBDIVISION: Within five (5) working days after the 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 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.

Staff distribution of the proposed Tentative Subdivision plat for the Preliminary Planned Unit Development occurred on June 14, 2020. Responses were received from the Tribes and Century Link.

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.

Notice was sent to owners of lots within 300' of the proposed subdivision on June 23, 2020. Signage was posted on the property in three places on that same date. This project, because it is a PUD, is not eligible for a Type 2 process and is therefore going to public hearing.

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.

The applicant has provided a revised Tentative Subdivision plat draft which labels all but Tract B which is conditioned to. bicycle path and accessway locations and may be found in Sheets C-2 through C-2.5 of Exhibit H. These tracts are provided for use of open space. Land is not needed for extension of rights-of-way or paths.

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

The applicant has proposed flexibility in the base zoning district (RMH) as available by FCC Title 10, Chapter 23. Approval of the proposed Tentative Plat draft will be directly related to approval of the Planned Unit Development associated with these Findings of Fact. Any required changes by the Planning Commission shall be reflected on the Final Subdivision draft.

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

The proposed public and private utilities and facilities are found on Sheet C-8, Exhibit H. The site can be adequately served by the existing city water and sewer systems. There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside of the property, [Condition 31].

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.

Public access easements are indicated on Sheets C-2 through C-3 of Exhibit H. The application materials illustrate the dedication along Siano and at the intersection corners of 35th St.

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.

Conditional approval for this Tentative Subdivision Plat by the Planning Commission will ensure that the Plat meets these criteria through conditions and supporting findings of fact.

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 for 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.

Although development itself will be phased, the applicant states on page 76 in the Narrative (Exhibit C) that the subdivision plat will not be phased.

TITLE 11: CHAPTER 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.

[…]

The applicant has provided profile sheets of the internal streets and alleyways for the Planned Unit Development on Sheet C-4 of Exhibit H. The streets meet the development standards with regard to travel lane widths, number and dimensions of parking islands and sidewalks and dimensions of parking lanes. The proposal does not include standards right-of-way dimension standards and they include a street cross section at their pedestrian crossings where there is no on-street parking. They are seeking modifications using the PUD process.

Sheet C-4 of Exhibit H depicts ROW cross sections. What shows as an alleyway cross section should be labeled as a Lane. Additionally, this same cross section is labeled “Tract” at the top of the illustration and should be labeled as “Proposed Right-of-Way,” [Condition 14a].

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.**

This Tentative Plat is tied to a Preliminary Planned Unit Development. As such, all proposed deviations from the required lot and width of the underling RMH zoning district may be modified through the Planning Commission using the Planned Unit Development approval process, as provided in Florence City Code, Title 10, Chapter 23. The applicant is seeking modification of the lot width and depth for the single family attached and detached dwellings.

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 lots meeting the minimum lot sizes for single-family detached dwellings in the underlying zone.**

Minimum lot size may be modified by the Planning Commission as they consider approval for the preliminary Planned Unit Development proposal, which is tied to this tentative subdivision plat. The applicant is seeking modification of lot size for the single family attached and detached dwellings.

Several Lots labeled on Sheets C 2.2 through C 2.4 contain setbacks that are mislabeled. Lots 22, 54, 55, 62 63, 70, 71, 78, and 79, respectively. They are labeled as having 10' rear setbacks when they should be labeled "10' Side Setbacks. This applies to the east side of Lot 54, and not the south side as that side is labeled correctly, [Condition 33]. These 10' side setbacks represent the required 10' perimeter buffer.

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

The proposed Tentative Plat provides for lot frontage along Loop Road and Lanes. The lot frontages do not meet city standards. However, the Planned Unit Development approval process allows for an exception to the above. The Lane/alleyway system measures twenty feet in width, and these shared Lanes connect to the internal private drive. The profiles with measurements for the proposed internal street and alleyways are found in Sheet C-3 of EXHIBIT H. The following code explains exceptions for Planned Unit Developments:

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.

[…]

5. Lot and Parcel Side Lines: As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lot or parcel faces; except those on curved streets, they shall be radial to the curve.

6. Suitability for Intended Use: All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or partition or of such lot or parcel as determined by the Planning Director in accordance with the purpose of this Title.

The lot and parcel side lines run at right angles to the Lane or Road they have frontage on. The dwelling lots are sized for shared common yards and open spaces. The organization of these amenities will provide the opportunity for a more safe, healthy neighborhood environment. The necessary sanitary facilities are provided. This Tentative Subdivision application is tied to a Planned Unit Development. Any modifications to the Planned Unit Development the Planning Commission approves that would change the tentative plat draft will need to be reflected in the Final Plat draft document.

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

Utilities are discussed under FCC Title 9, and Title 10, Chapter 9 of these Findings of Fact. Final construction plans and utility facility specifications are required to be submitted for City review and approval prior to commencing construction. Stamped approval will be shown on the utility plans, [Condition 22].

11-5-4: 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 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.

The City of Florence Soils Map and the applicant's Stormwater Management Report illustrates Yaquina soils in the NE corner of the project site. The presence of such soils triggers the requirement of a Phase I Site Investigation Report unless the hazard is found to not be present or there are other standards available to mitigate the risk. Also, the Florence Area Local Wetlands and Riparian Inventory (2013 Plan) illustrates two locations of probable wetlands on site. A 2015 wetlands study performed on the site found wetlands in the limited project area in the southern portion of the site. In July the applicant provided a wetland delineation from Pacific Habitat, the same company who performed Florence' Wetlands Inventory. Staff made notification to DSL about the project. Comments were received from DSL citing two studies that had identified wetlands on site and that said DSL concurrence should be requested prior to site disturbance. The applicant shall provide staff with a Phase 1 Site Investigation which will explain the treatment of the Yaquina Soils, prior to grading. The applicant shall provide DSL the wetlands delineation and obtain concurrence prior to site disturbance, [Condition 12].

CHAPTER 7 MODIFICATIONS, SUBDIVISION REGULATIONS

SECTION:
11-7-1: APPLICATION FOR MODIFICATION:

A. Time for Submitting Application: Concurrently with submitting a tentative plan to the Planning Director for Planning Commission consideration and approval, an applicant may submit to the secretary of the Planning Commission an application for a modification of any provision of Chapters 2 through 6 of this Title and Chapter 36 of Title 10. (Amd. Ord. 30, Series 1990).

B. Contents of Application: An application for a modification shall be a verified petition stating the provision sought to be modifies and stating facts showing that:

1. **Such provision, if strictly applied, would cause unique and unnecessary hardship to the applicant in subdividing or partitioning the subject area: and that**

2. **Modifications of such provision(s) would not be contrary to the purpose of this Title for the reason that:**
   a. **Where the application is for a modification of any provision of Chapters 5 or 6 of this Title, unusual topographic conditions or previous layout of the partition or subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the public interest an the best use and value of property in the neighboring area, or**
   b. **Where the application is for a modification of any provision of chapters 2 through 4 of this Title, the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the pubic in efficient transaction of public business will best be served by such modification.**

C. Concurrent with its consideration of the application for tentative plan approval and subject to the same procedures and effective dates, the planning commission or its designee shall consider the application for modification. Approval of the application for modification shall be granted providing affirmative findings can be made for the criteria in paragraph B of this section and provided the tentative plans are also approved.

VI. INFORMATIONALS

1. The proposed plans do not illustrate whether the PUD roadway drainage system will be public or private. The roof drains systems will be private facilities. Ownership of the stormwater system shall be established prior to the issuance of construction permits for the utilities.

2. In order to meet 2019 Fire Code, the proposed project require two (2) fire hydrants. The hydrant shown on the west side of Rhododendron Drive cannot be used as Rhododendron is a minor

arterial. The fire hydrants will need to meet the separation distances outlined in the same Code. Furthermore, these hydrants need to have Quick connect Storz with caps attached to the large diameter port. Contact the Fire Marshall for more information, (Exhibit N).

VII. CONDITIONS OF APPROVAL

The application, as presented, meets or can meet applicable City codes and requirements, provided that the conditions of approval are met in coordination with the below limitations.

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.

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.

VIII. EXHIBITS:

Approval shall be shown on conditions of approval as supported by the following record:

A	Findings of Fact
B	Prelim. PUD and Tent. Subdivision Plan Application
C	Applicant Narrative
C1	Applicant Letter to Planning Commission
C2	Applicant Continuance Request and Emails
D	Master Plans Sheets A-1 thru A-19
E	Landscape Plans Sheets L-1 thru L-4
F	Prelim. Stormwater Management Report
G	Traffic Impact Analysis
G1	Revised Traffic Impact Analysis
H	Tent. Plat Sheets C-0 Thru C-8
I	Confederated Tribes Response Letter
J	Excerpt from 2011 Parks and Rec. Plan, Fig. 4.4 Map
K	Traffic Peer Review Letter 7/7/2020
L	Testimony
M	Century Link Response Letter
N	SVFR Referral Comments
O	Civil West Review Analysis Stormwater
P	Water Solutions Inc. Stormwater Review
Q	Applicant Westland Delineation Study
Q1	DSL Wetland Notification and Reply

Findings of Fact attached as Exhibit A are incorporated by reference and adopted in support of this decision.

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

3. 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.

<u>Title: 10 Chapter 3</u>

4. For the Final PUD application, the applicant shall submit to the Planning Department an updated dimensioned parking lot plan on Sheet C-5.

5. Because the proposal calls for internal street parking within turnouts adjoining the private street, which will contain utilities, sidewalks and landscaping; the easements and maintenance plan for these shall be properly dedicated through the Conditions, Covenants and Restrictions. Additionally, these easements shall be noted on the Final Plat.

6. On-site signage indicating bicycle parking areas shall be required per Title 10, Chapter 3 with signage plans submitted and approved prior to permitting.

<u>Chapter 6: Design Review</u>

7. A Type II Design Review for the multi-family and attached residential units shall be applied for and associated fees paid so the design review standards may be better evaluated.

8. The applicant shall provide architectural details meeting Old Town and Mainstreet Architectural Standards or higher concurrently with the building permits for the single-family detached housing. An associated review fee shall be will be required unless determined otherwise by the Planning Director.

<u>Chapter 7: Special Development Standards</u>

8.a. 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 building permit applications or prior to final Subdivision Plat.

Chapter 10: Residential Districts

9. The applicant shall submit a draft statement that outlines the maintenance easements to the Planning Department with the Final PUD and Final Subdivision plat application. This agreement may be incorporated within the draft Conditions, Covenants, and Declarations document, which will also be required, per Chapter 23, Section 10-23-6 of this Title.

10. All single-family attached units will have rear-loaded garages accessible from private alleyways. The porch areas shall be labeled and dimensioned within the Final PUD application.

Chapter 23: Planned Unit Developments

11. In conjunction with application for Final Plat for the second phase the TIA shall be updated using traffic projection methodology that accounts for this project's phases, other approved projects in the transportation corridors being reviewed and is consistent with the TSP methodology used.

12. The applicant shall apply for a Phase 1 Site Investigation which will explain the treatment of the Yaquina Soils, prior to the Final PUD approval. A Phase 2 with Conditional Use permit may be required prior to Final PUD if warranted from the Phase 1 Site Investigation outcomes.

13. The applicant shall be required to obtain a Construction Permit in Right-of-Way prior to their construction of their access to and improvements for Rhododendron Drive.

13.a. Since greater than 25% of the open space area is to be designated for recreational use (because of the exceptions/modifications requests), upon submittal of the Final PUD application, the applicant shall demonstrate that additional recreational uses, both passive and active, be provided throughout the open spaces.

Chapter 36: Public Utilities:

14. Lot 22 shall be platted with street (Lane) frontage or reclassified as a Tract with no dwelling.

14a. Sheet C-4 of Exhibit H depicts ROW cross sections. What shows as an alleyway cross section should be labeled as a Lane. Additionally, this same cross section is labeled "Tract" at the top of the illustration and should be labeled as "Proposed Right-of-Way."

15. The applicant shall construct the cross-section standard for Rhododendron Dr. or as modified by the Public Works Director or enter into a non-remonstrance agreement for proportionate contribution to near future improvements to Rhododendron Dr. in conformance with the TSP.

16. With final plat applications the materials shall provide notation or easement illustrating access ownership and conveyance

17. Prior to submittal of construction plans for review and approval by the Public Works Director, the applicant shall coordinate with the City on street cross-section proposals.

18. Final plat materials shall indicate the corner curb return radii meeting city code standards, unless modified by the Public Works Director.

19. In conjunction with utility construction plan review and approval by the Public Works Dept. the applicant shall provide a blow-off/air release valve assembly at the end of each line, if required**.**

20. Verification of existing and proposed water service mains and hydrant flow supporting the site will be required to be submitted for review and approval by the Building Official and Fire Marshall.

20a. All streets, lanes or tracts shall allocate no parking areas, per State requirements, around all fire hydrants located within the development.

21. Because the proposed project exceeds one acre, the applicant shall apply and receive required State permitting prior to site disturbance.

22. Prior to construction of streets or utilities, an engineered construction plan shall be submitted for review and approval by the Public Works Director.

Chapter 37: Lighting

23. A revised photometric plan shall be provided for review and approval in conjunction with applications for the Final PUD or with an associated design review or building permit in the case of the Single Family Detached dwellings.

24. The revised lighting plan shall provide no greater than 5 foot-candles over parking spaces and walkways and no greater than 7-foot candles directly under light fixtures.

25. Light mounting heights shall be no greater than 20'.

Chapter 34: Landscaping

26. A final Landscape Plan associated with the rights-of-way (plantings such as street trees), the on-site swale proposed along Rhododendron Drive, and the swale proposed within the Rhododendron Dr. right-of-way need to be provided with Public Improvement Plans for review and approval by Public Works prior to site disturbance and prior to Final PUD or Final Plat approvals. Plans shall include the street tree planting location, size, species, root guard, irrigation, and evidence of planting within a 4' by 4' tree well. Landscape plans shall also be provided for review and approval in conjunction with each associated design review for the Type II single family attached and apartment developments. Final Stormwater planting and construction details shall be submitted for review and approval prior to application for building permits for the single family attached and detached proposals.

27. An Irrigation Plan shall be supplied with the Final PUD application or in conjunction an associated landscape plan submittal.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure and Misc.

28. In addition to providing a name for the Final Plat, a name for the proposed internal drive shall be provided to the Planning Department who will ensure that the name is not a duplicate and in keeping with named area streets per Title 10, Section 8-2-1-1

29. The application packet does not include an affidavit of services. An affidavit of services shall be provided in accordance to this criterion.

30. Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade.

31. There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside of the property.

33. Several Lots labeled on Sheets C 2.2 through C 2.4 contain setbacks that are mislabeled. These include Lots 22, 54, 55, 62 63, 70, 71, 78, and 79, respectively. They are labeled as having 10' rear setbacks when they should be labeled "10' Side Setbacks. This applies to the east side of Lot 54, and not the south side as that side is labeled correctly.