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**AGENDA ITEM SUMMARY / STAFF REPORT**  
**FLORENCE PLANNING COMMISSION**

**ITEM NO: 4**  
Meeting Date: February 24, 2023

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**ITEM TITLE:** Fairway Estates Phases 2-4  
PC 21 39 SUB 03 – Tentative Subdivision Plan  
PC 21 40 PUD 02 – Preliminary Planned Unit Development (PUD)  
AR 21 21 SIR 14 – Site Investigation Report

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**OVERVIEW:**

Background: Fairway Estates Phase 1 is south of this proposed project and received Final Plat approval May 18, 2017. The plat was recorded in September 2018 and has at least 34 of the 40 platted lots developed or under construction. It received approval in its configuration due to much of the infrastructure being put into place before the recession of 2007/2008. The code changed substantially in 2010. The current project site does not contain any infrastructure.

After receiving a vegetation clearing permit the site was cleared in preparation for surveying in December 2020. It then went through a public process in 2021 with Planning Commission related to violations of their conditions of approval. The applicant submitted application materials on November 22, 2021 in an effort to meet the obligations of their Planning Commission violation ruling.

In accordance with City Code 10-1, the November 2021 application was deemed accepted on March 28, 2022 after receipt of application fees and deemed incomplete on March 25<sup>th</sup>. Due to the state's 180-day submittal deadline the applicant forced the application complete on September 23, 2022 as permitted under state law.

Noticing was mailed to surrounding property owners and the public hearing was set for November 22<sup>nd</sup>. The applicant was advised of the inadequacy of the record (application) and a likely denial recommendation and they subsequently requested continuance to January 10<sup>th</sup> in order to provide evidence into the record to support a staff review. Staff met with the consultant team to discuss the missing elements of the application on November 30<sup>th</sup>. On January 3<sup>rd</sup> the consultant provided an open space plan with calculations and block compliance plan and an updated utility plan. On January 5<sup>th</sup> the consultant waived the city's 120-day processing deadline. At the time of writing the consultant was preparing their narrative to support the criteria of [Title 11 Chapter 7](#) subdivision modifications (variances).

Due to the late receipt of the additional application materials and anticipated receipt of the variance narrative the findings of fact were not available for review for the Public Hearing Continued to a date certain of January 10, 2023. The applicant and representatives agreed to sign a 120-day waiver through April 3, 2023 to allow for continuance of the public hearing to a date certain of February 14, 2023. Additional materials were received February 8, 2023 without adequate time for review. This public hearing was requested to remain open and continue to a date certain of February 28, 2023. The applicants were requested to complete another 120-day waiver to allow an additional

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continuance, but declined. Therefore, these resolutions must be voted on at the February 28, 2023 to allow for time to appeal to City Council if any party with a standing desire.

Application: Request by Metro Planning representing Pacific Golf Communities LLC for Preliminary Planned Unit Development, Tentative Subdivision Plan and Site Investigation Report. The project site is approximately 10.36 acres and abuts Mariners Village on the west and Florence Golf Links on the east. To the north is undeveloped City Open Space which abuts Lane County's Three Mile Prairie undeveloped park land. This proposal includes 40-detached single-family residences. Amenities to support this PUD include a looped street. Open space includes a bark walking path abutting Mariners Village and accessing city-owned open space to the north. They also propose a fee-in-lieu for the balance of the required open space as available under [10-23-5-E-5](#). There are a number of code criteria that are proposed to not be met and addressed under Title 11 Chapter 7. Namely these are intersection angles explained in [10-36-2-14](#).

Process and Review: The PUD and Subdivision applications follow a Type III land use procedure requiring a quasi-judicial public hearing. The application materials available as of writing are attached to this AIS. The applicable criteria are listed below. Only code sections and comprehensive plan policies and appendices are policy considerations that may be applied in the decision-making process. Application materials, public testimony, previous approvals, and research that speak to the criteria may also be considered.

Additional public testimony in opposition was received from Nancy Rhodes who expresses concern over the placement of the nature path on the western line of the phase 2 lots. The concern of the placement is regarding Fairway and Mariners Village will be no closer than 30 feet to her property line and won't interfere with drainage.

The Planning Commission will reopen the public hearing, accept public testimony and hear the staff report and applicant response. Following hearing from staff and applicant the Planning Commission will have the opportunity to hear public testimony and ask questions of both staff and applicant prior to closing the public hearing for deliberations.

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**ISSUES/DECISION POINTS:** To be provided later in conjunction with the findings.

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**ALTERNATIVES:**

1. Approve the Planned Unit Development request with conditions of approval, or
  2. Recommend denial based on the Commissions' findings and request the finding be revised and a resolution be drafted stating how the application does not meet code criteria.
  3. Continue the public hearing to a date certain and request the applicant extend their 120-day waiver.
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4. Close the hearing and keep the written record open 7-days and holding deliberations on March 14, 2023.

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**RECOMMENDATION:** Option 1 or 3

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**AIS PREPARED BY:** Wendy FarleyCampbell, Community Development Director

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**ATTACHMENTS:**  
A- Findings of Fact  
R11 Public Testimony – Rhodes  
V-Fire Code Considerations

**FINDINGS OF FACT  
FLORENCE PLANNING COMMISSION  
Exhibit "A"**

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**Public Hearing Dates:** November 22, 2022                      **Planner:** Wendy FarleyCampbell  
January 10, 2023  
February 14, 2023  
**Application:** PC 21 39 SUB 03 - Tentative Subdivision  
PC 21 40 PUD 02 - Preliminary Planned Unit Development  
AR 1 21 SIR 14 - Site Investigation Report

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for Tentative Subdivision Plan, Preliminary Planned Unit Development Plan (PUD) and Site Investigation Report review to develop Fairway Estates Phases 2, 3 & 4, a 10.36 acre, 41-lot single-family detached residential development.

**Applicant:** Pacific Golf Communities, LLC, represented by Metro Planning, Inc.

**Property Owners:** Pacific Golf Communities, LLC

**Location:** 10.36-acre parcel approximately 781' feet north of Tournament Dr. and its intersection with Rhododendron Drive

**Site:** Map # 18-12-15-00, Tax Lot 01500

**Comprehensive Plan Map Designation:** Private Open Space

**Zone Map Classification:** Medium Density (MD)

**Surrounding Land Use / Zoning:**

Site: Vacant / Medium Density (MD)  
North: Undeveloped publicly owned parkland / Open Space  
South: Fairway Estates PUD Phase 1 / MD  
East: Florence Golf Links (Sandpines Golf Course) / MD  
West: Mariners Village PUD / MD

**Streets / Classification:**

Site – None (Proposed Private); West – None; North – None; East – None; South – Caddington Lane, Dunbar Way – Local (Private)

## II. NARRATIVE:

Background and Process: Fairway Estates Phase 1 is south of this proposed project and received Final Plat approval May 18, 2017. The plat was recorded in September 2018 and has at least 34 of the 40 platted lots developed or under construction. The code changed substantially in 2010. Phase 1 received approval in its configuration due to much of the infrastructure being put into place before the recession of 2007/2008. The current project site does not contain any infrastructure.

After receiving a vegetation clearing permit the site was cleared in preparation for surveying in December 2020. It then went through a public process in 2021 with Planning Commission related to violations of their conditions of approval. The applicant submitted application materials on November 22, 2021 in an apparent effort to meet the obligations of their Planning Commission violation ruling.

In accordance with City Code 10-1, the November 2021 application was deemed accepted on March 28, 2022 after receipt of application fees and deemed incomplete on March 25<sup>th</sup>. Due to the state's 180-day submittal deadline the applicant forced the application complete on September 23, 2022 as permitted under state law.

Noticing was mailed to surrounding property owners and the public hearing was set for November 22<sup>nd</sup>. The applicant was advised of the inadequacy of the record (application) and a likely denial recommendation and they subsequently requested continuance to January 10<sup>th</sup> in order to provide evidence into the record to support a staff review. Staff met with the consultant team to discuss the missing elements of the application on November 30<sup>th</sup>. On January 3<sup>rd</sup> the consultant provided an open space plan with calculations and a block compliance plan and an updated utility plan but had not provided evidence in support of the exceptions/modification sought (using 10-23 or 11-7 as applicable) On January 5<sup>th</sup> the consultant waived the city's 120-day processing deadline.

Due to the late receipt of the additional application materials and anticipated receipt of the additional exceptions/variance narrative the findings of fact were not available for review and consideration 7 days prior to their consideration by the Planning Commission. The applicant requested continuance to February 14, 2023 and provided an extension to the 120-day waiver to April 4, 2023. On February 6, 2023 revised materials were received responding to exceptions and peer and referral reviews and testimony referred to at the January 10<sup>th</sup> hearing. On February 14<sup>th</sup> staff requested a continuance to February 28<sup>th</sup> in order to finalize the findings to include the new applicant submittals, utility referrals and public testimony received.

Proposal: Metro Planning representing Pacific Golf Communities LLC requests review and approval of a Preliminary Planned Unit Development, Tentative Subdivision Plan and Site Investigation Report. The project site is approximately 10.36 acres and abuts Mariners Village on the west and Florence Golf Links on the east. To the north is undeveloped City Open Space which abuts Lane County's Three Mile Prairie undeveloped park land.

The project is divided into three phases, 2-3-4. This proposal includes 41-detached single-family residences to be platted clockwise from the SW as follows: Phase 2: 13 lots, Phase 3: 10 lots, Phase 4: 18 lots and 1 tract. Access is via a looped street extending from both sides of Phase 1. Open space includes Tract A proposed in Phase 4 and a "nature path" abutting Mariners Village and continuing along the northern property line, with points of access from the street to the path at the west and to the north via a shared driveway. They also propose a fee-in-lieu for the balance of the required open space as available

under [10-23-5-E-5](#). No amenities (benches, exercise stations, tables, pet waste stations, etc.) are proposed. There are a number of code criteria that are proposed to not be met and would be addressed under Title 10 Chapter 23. Namely this includes intersection angle criterion explained in [10-36-2-14](#).

The property contains wetlands and Yaquina soils and thus requires a Phase 1 Site Investigation Report in accordance with Title 10 Chapter 7.

Process and Review: The PUD application follows a Type III land use procedure requiring a quasi-judicial public hearing. The tentative subdivision application is a Type III because exceptions to the standard criteria are sought. The Site Investigation Report is a Type 2 staff review process. In accordance with state statute and city code these are being processed concurrently. The application materials available as of writing are part of this set of findings. The applicable criteria are listed below. Only code sections and comprehensive plan policies and appendices are policy considerations that may be applied in the decision-making process. Application materials, public testimony, agency referrals, previous approvals, and research that speak to the criteria may also be considered.

### III. NOTICES & REFERRALS:

**Noticing:** On November 2, 2022, 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 November 16, 2023 edition of the Siuslaw News.

Testimony was received and is included as attachments to the findings.

**Referrals:** On September 23, 2022, referrals were sent to Public Works, Central Lincoln PUD, Siuslaw Valley Fire and Rescue and Lumen (Charter).

At the time of this report, the City received comments from:

Chief Schick, of Siuslaw Valley Fire and Rescue:

1. Will the entire road through the planned development be completed or is the plan just to complete the road to the end of the Phase II development resulting in a dead end? If the road doesn't go all the way through we will require a turnaround. Road width is adequate.

OFC, D103.4 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4.

OFC, Table D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS  
120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1

2. Hydrant locations on Proposed Utility Plan will need to be updated. Current indicated locations will not provide an average spacing of 500 feet between hydrants and 250' from any point on the street to a structure. It looks like they may not have taken into account hydrants actually placed in the Phase I development.

SECTION C102 NUMBER OF FIRE HYDRANTS C102.1 Minimum number of fire hydrants for a building. The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1.

3. Chief Schick also provided comments related to Oregon State Fire Code D 107. See below:

SECTION D107

ONE- OR TWO-FAMILY

RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 dwelling units accessed from a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
2. The number of dwelling units accessed from a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

Civil West on behalf of Public Works provided comments on the Stormwater Plans requesting additional information and analyses on the plan. Updates responding to the stormwater plan comments were provided.

Kittleson Associates performed a peer review of the Traffic Impact Analysis requesting additional analysis on the turning movements at 35<sup>th</sup> and Hwy 101. Sandow responded with a memo and Kittleson agreed with the findings of no warrants for a left turn access aisle.

**IV. APPLICABLE REVIEW CRITERIA**

**Florence City Code:**

**Title 10: Zoning Regulations, Chapters**

Chapter 1: Zoning Administration, Sections 1-4, 1-5; 1-6-3; 1-7

Chapter 2: General Zoning Provisions, Sections 2- 8 and 2-13

Chapter 3: Off-Street Parking and Loading, Sections 4 and 8-A-2

Chapter 6: Design Review. Section 6-6 (If exceptions are sought to the underlying zone)

Chapter 7: Sections 1, 2, 3H, 6 and 7

Chapter 10: Residential Districts. Sections 10-1, 10-2, 10-3, 10-4, and 10-5

Chapter 23: Planned Unit Development, Sections 1 through 10, 12 and 15

Chapter 34: Landscaping, Sections 2 through 5 (if needed per 10-23)

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

Chapter 36: Public Facilities, Sections 2-1 through 2-5; 2-8 through 2-23; and Sections 3 through 9

Chapter 37: Lighting, Sections 2 through 6

**Title 9: Utilities**

Chapter 5: Stormwater Management Requirements, Sections 1 through 6

**Title 11: Subdivision Regulations, Chapters**

Chapter 1: Subdivision Administration, General Provisions, Sections 1 through 6

Chapter 3: Subdivision Tentative Plan Procedure, Sections 1 through 4, and 8

Chapter 5: Platting and Mapping Standards, Sections 5-1 through 5-4

Chapter 7: Application for Modification

**Florence Transportation System Plan**

**Florence Parks and Recreation Master Plan**

**Realization 2020 Florence Comprehensive Plan**

Chapter 2: Other Plan Designations: Policies 1 & 2, Private Open Space Section,

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

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

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

Chapter 11: Stormwater Policies 1-22

Chapter 12: Transportation, Policies 6, 8, 9, 13, 14 & 23

**V. FINDINGS**

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

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**FLORENCE CITY CODE**

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**TITLE 10: CHAPTER 1: ZONING ADMINISTRATION**

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**10-1-1-4: APPLICATION:**

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

[...]



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 application for the preliminary residential PUD and tentative subdivision was submitted on a City of Florence land use form and deemed "Complete" as of September 23, 2022. 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 project includes 41 single family residences which requires a TIS be completed. The applicant submitted a TIS completed by Sandow Engineering. 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 was conducted by Kittleson Associates. Sandow provided a response dated 2/3/23. 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 November 2, 2023, notice was mailed to surrounding property owners within 300 feet of the property and signage posted to the property. The public hearing notice was published in the November 16, 2022 edition of the Siuslaw News.

The notification procedures meet the requirements of FCC 10-1-1-5.

Two requests for continuance have been received along with extension of the 120-day processing time. These are included within the exhibits.

- 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 181<sup>st</sup> 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 November 22, 2021, application fee paid March 28, 2022 and deemed incomplete. The applicant responded to the letter with a statement to make the application complete. The application was deemed "Complete" on September 23, 2022. The application materials were emailed to Central Lincoln PUD, Siuslaw Valley Fire and Electric and Florence Public Works.

**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. Additionally, materials related to the application were posted on the City's website. These criteria have been met.

**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 November 2, 2022, notice was mailed to surrounding property owners within 300 feet of the property and signage posted on the property. The public notices contained the information in the above code. The public hearing notice was published in the November 16, 2022 edition of the Siuslaw News.

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. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.**

A request for a Preliminary Planned Unit Development and Tentative Subdivision Plat with a modified process for a proposed development of 41 detached single-family residences require 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.

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## **CHAPTER 2 GENERAL ZONING PROVISIONS**

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**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.**

The Planning Commission may condition payment of a bond or similar to ensure installation of the improvements.

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## **CHAPTER 3 OFFSTREET PARKING AND LOADING**

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**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 has not proposed parking on-site or off and it is assumed it will be provided within garages on the lots.

**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:**

<p><b>Single Family Dwelling including attached and detached dwellings and manufactured homes</b></p>	<p><b>2 spaces per dwelling unit on a single lot</b></p>
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The proposed development includes 41 detached single family dwellings requiring 82 on-site parking spaces.

**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. Driveway 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.**

One of the two required on-site parking spaces per lot may be within a driveway. No parking spaces in the driveways or garages shall have any encroachments that reduce the size and/or availability of the spaces. The spaces shall include dimensions of 9' 6" by 19' for each parking space. **(Condition)**

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

The applicant has not provided lighting plans within the utility plans nor for the housing units. Each home shall provide full cut-off lighting and/or the exceptions from 10-37 as follows: 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. **[Condition]** Street lighting shall be installed consistent with Resolution 16, Series 1999. **(Condition)**

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## **TITLE 10: CHAPTER 6: DESIGN REVIEW**

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**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.

Exceptions to code requirements are permitted within a Planned Unit Development with one of the trade-offs being the dwellings 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 provide any information on the design of the single-family units. The applicant shall provide architectural details concurrently with the building permits for the single-family detached housing. The architecture of the homes must meet the requirements of 10-6. An associated architectural review fee will be required unless determined otherwise by the Planning Director, **[Condition]**.

[...]

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## **CHAPTER 7 SPECIAL DEVELOPMENT STANDARDS**

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**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. The applicant provided a wetland delineation from Pacific Habitat dated April 4, 2021. DSL provided concurrence dated Sept. 17, 2021 and Army Corp provided an Approved Jurisdictional Determination dated June 9, 2022. A 1200-C permit from DEQ and removal-fill permit from the Department of State Lands are required to be obtained prior to disturbance of the wetland area. **(Informational)**.

Yaquina soils are inclined to have high ground water. Figure 5-3 of the Stormwater Master Plan of the City of Florence illustrates the project site and the area immediately to the north do not have a report of flooding. The applicant provided an engineered stormwater management plan discussing the treatment and conveyance of the stormwater. Water is collected in roadside swales landscaped in accordance with the SWDM and as outlined on page 77 of their stormwater plan, infiltrated into pipes beneath the swales, then stored into pipes within the right-of-way awaiting discharge into the City's system in Rhody Dr. If necessary, overflow will discharge into a swale at the south end of Phase 1 overland between lots 28 and 29 on the path system. Civil West reviewed the plan and provided requests for correction and additional analyses. The applicant provided these corrections and information. This criterion is met.

#### **10-7-6: SITE INVESTIGATION REPORTS (SIR):**

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

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

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

**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. 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.

In accordance with 10-7-6-A-2 above, site investigation requirements may be waived where specific standards, adequate to eliminate the danger have been adopted by the city. The City's stormwater management code and design manual provide specific design standards. An investigation was performed by the engineer to determine the location of street side swales and their minimum width, depth and effect on

driveway placement. Additionally, the applicant’s proposal includes detention pipes which can have the effect of reducing the hydraulic pressure within the basin.

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**CHAPTER 10 RESIDENTIAL DISTRICTS**

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**10-10-1: RESIDENTIAL ZONES AND PURPOSE:**

[...]

**B. Medium Density Residential (MDR):** The Medium Density Residential District is intended to provide a quality environment for medium density, urban residential uses and other compatible land uses determined to be necessary and/or desirable.

[...]

**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 MDR zoning district after a Type III Quasi-Judicial review by the Planning Commission. The single family detached dwellings are also permitted within the MDR District. 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**

The proposed recreation facilities are permitted within the PUD.

**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 Type1**

Type	LDR		MDR		RMH		HDR	
	Width	Depth	Width	Depth	Width	Depth	Width	Depth
All development types including single-family detached <sup>2</sup> , 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. <sup>3</sup>	80 ft. <sup>3</sup>
Manufactured Home Park	N/A	N/A	50 ft.	80 ft.	35 ft.	70 ft.	35 ft.	70 ft.

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

The proposed tentative plan includes lots with widths ranging from 66 to 100 ft. wide and depths 76 to 144 ft. deep. The lots meet the minimum width dimension. There are four instances when the lots do not meet the minimum depth (67, 68, 69, and 77). As part of the PUD process lot dimensions may deviate without need for a variance. FCC 10-23-5-H includes criteria that are to be met in order for the deviation to be permitted. The application does not include a review of these criteria. With Final PUD submittal the applicant shall review the criteria in 10-23-5-H and respond with how the application will be the criteria. (Condition)

[...]

**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 <sup>2</sup>	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

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

All of the lots meet the minimum lot size of 5,000 sq. ft. Criteria 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 <sup>2</sup>	MDR <sup>3</sup>	RMH <sup>3</sup>	HDR
Minimum net density (units/acre)	-	-	-	12
Maximum average net density (units/acre)	-	12	12	25 <sup>1</sup>

<sup>1</sup>Maximum average net density may be increased in the High Density Residential District through a PUD. See FCC 10-23. <sup>2</sup>Maximum Density is calculated using minimum lot size for use(s) proposed. <sup>3</sup>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 proposed density is stated by the applicant to be 5.21 units per net acres. Criterion met.

**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.**
- 2. Accessory Structures: The maximum building height shall be twenty feet (20').**
- 3. [...]**
- 4. Structures in the HDR, LDR, MDR and RMH shall have a minimum roof pitch of 3/12, except mobile homes in the mobile /manufactured home parks or district.**

The proposal did not include proposed building heights. Primary structures shall not exceed 35 feet in height. Accessory structures shall not exceed 20 feet in height. The minimum roof pitch of all structures shall be 3:12. **(Condition)**

**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 not submitted plans for signs, fencing, landscaping, or lighting. These features when constructed shall meet applicable city code. Parking was discussed earlier. Plans were included that address utilities and pedestrian and vehicular access. These are reviewed in their respective chapter sections.

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**CHAPTER 23 PLANNED UNIT DEVELOPMENT**

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

- A. Encourage the coordinated development of unplatted land.**
- B. Encourage innovative land utilization through a flexible application of zoning regulations.**
- C. Preserve the natural amenities of land and water.**
- D. Create opportunities for a wide variety of life styles 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. The application does not propose a variety of housing types or preserve natural amenities, The property is part of an approved Master PUD plan which governs its development by requiring it to develop as a PUD. It is also plan designated "Private Open Space" further designating development through a PUD process. It is a gated community with modifications to standard development criteria. It is requesting freedom in the placement of open spaces by seeking a fee-in-lieu option.

**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 single-family detached units and open space. All proposed uses of the PUD are allowed within the MD zoning district upon Planning Commission approval.

**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.**

The intent and purpose of the Florence Realization 2020 Comprehensive 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 applicable requirements of state law. The stated purpose of the Plan is to provide the city with a definitive set of policies to guide future development of the community; enable the City 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.

The subject site is designated Private Open Space within the Plan. The corresponding zoning district is Medium Density and modifications to the underlying zoning are available through the planned unit development process. 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. The applicant's proposal is well below the maximum density, has just a handful of lots that do not meet lot dimensions, but has multiple street design elements that do not meet code and thus a PUD is best suited for site 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 single-family detached homes like the two abutting developments (Mariners Village and Sandpines West) and so is in keeping of the surrounding land uses and conventional lot designs. Home design was not proposed but is required to include architectural elements from 10-6 ( Old Town & Mainstreet Districts) and so should complement and in some cases exceed the design of the surrounding homes. The requirement for a Type I Design Review is a condition of approval for the development, [Condition].



- 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 project will access onto Rhododendron Dr. a minor arterial from the development's local street. The application includes a Traffic Impact Analysis (TIA) performed by Sandow Engineering that concluded no off site traffic controls or other improvements were warranted. The TIA was peer reviewed by Kittleson Associates. They concurred with the assessment but did ask for additional traffic analysis related to a southbound left turn at the intersection of 35<sup>th</sup> and Rhododendron Dr. Sandow responded that the Harmelink method for assessing a turn lane need the same that was used for the 35<sup>th</sup> and Rhododendron development was appropriate here. Sandow included the analysis from that TIA study in her response. The comments were forwarded to Kittleson and they responded on Feb. 21<sup>st</sup> that they "agree that the projected turning movement volumes are not high enough to necessitate the need for a southbound left-turn lane at the Rhododendron Drive/35th Street intersection."

- 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 a utility plan. It details how the proposed development will be served by water and sewer utilities and services extending from those existing in Caddington Lane and Dunbar Way. The SVFR Chief provided referral comments about the inadequacy of the fire hydrant placement. A revised plan for hydrant placement was provided. Cable, power and internet service locations were not specifically illustrated or demarcated provided but are also available for extension. Two electric vaults are illustrated on the west sides of the streets on the most southern portion of the utility plan for Phase 2 and 4, purportedly serving the 5' wide utility easements located on the west sides of the street outside the swales.

Additionally, the applicant supplied a Preliminary Drainage Report which describes how stormwater treatment for street runoff will be handled within planted bioswales in the private street rights of way. They will overflow into pipes within the right of way and connect to service in Rhody and overflow into Phase 1 stormswale at the south end of the Phase 1 development as needed. Individual lots will be served by on-site stormwater systems.

Emergency ingress and egress is discussed and conditioned below to provide for adequate fire service.

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

The subject property along with Phase 1 of Fairway Estates is located within Phase C2 of the original PUD Master plan for the Sandpines Golf Course. This area was proposed to consist of 47 single family lots. The total number of lots now proposed for the area is 81. The applicant's response to the requirement for secondary access claims the number of units has remained the same for the area east of Rhody. While this is true, it is because the utilized all of the lot counts for the as of yet undeveloped Phase adjacent to them to the east. So the proposal has changed from the master plan design for the phases. Albeit the city code has changed as well permitting smaller lots. Regardless the master PUD approval is the guiding

documents for the proposal. The proposed location 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 units.

While the eventual implementation of the Master PUD has changed, the other two phases to receive approvals over the last 10 years, East Bank off of Oak St. and Rhododendron Arbor at the corner of 35<sup>th</sup> St. and Rhododendron Dr. reduced their number of proposed units from the 2003 proposal. The properties are mostly situated near or just off the golf course and were designed and approved to be attractive developments. Open Spaces were landscaped, perimeters planted with trees, landscaped swales, etc. Where Phase 1 deviated from the master plan Phases 2-4 will be conditioned to meet the conditions of approval that remain applicable within the Master Plan to ensure the continuing success of the PUD.

In several cases studies have been performed that negate or change the conditions from the 2003 master approval and the follow-up approvals from 2005 and 2008. These include the stormwater management plan and traffic studies. The previous 2005 TIA included the proposed golf course hotel, store, and condominium developments which triggered improvements that are not yet warranted with this or previous developments. The stormwater plans have addressed the issues and concerns from the 2005 approval and 2008 modifications.

Notably the 2005 approval (September 27, 2005) included conditions of approval related to fire access and life safety. Condition 10 required all dwelling units to be constructed with sprinkler systems, Condition 11 required access easements between Phases 2 and 3 (this applicant's development and the undeveloped Phase 3/C3 to the east.). Also fire hydrants were to be spaced at 300' intervals. It can only be assumed these conditions were in place to meet the fire requirements of the time. Additionally, but unrelated to emergency ingress and egress, the perimeters of the development were to be tree lined for privacy and buffering for adjacent developments. Additionally, perimeter setbacks were proposed and they were not planned to count as open space (page 3 of PC 03-12-30-4)

The question of perimeter setbacks has already been poised for PC below. The applicant shall plant trees along the western and northern borders at the quantity set in code of 1 tree per 30 linear feet. These trees shall be planted on the outside edge of the 10' open space area. [Condition] Fire emergency egress and ingress is discussed below. Fire hydrant spacing appears to have changed since the 2005 approval. Therefore the 500' spacing proposed in consult with the Fire Chief is adequate unless the fire code does in fact require 300' spacing upon which the utility plan shall be altered to meet this interval. [Condition]

**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 10.36 acres. This criterion is 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 MD. The primary front yard regulations in the MD zoning district is presently 10 feet, changed from 20' in 2019. The proposed PUD is designed to have a perimeter yard of at least 10 feet on the west and north sides abutting adjacent residential property. Mariners Village has a perimeter yard of 10' wide. Their Phase 1 plat illustrates the perimeter yard to be Area "D" and designated "Common Open Space". The proposed perimeter yard for the subject application is identified as open space and labeled as a "nature trail". PC 03-12-30-4 mentions a proposed 10 ft. perimeter yard that was not proposed to be open space. **The Planning Commission shall decide whether to require the perimeter yard and if so the depth and whether it can be designated as "Open Space" with a trail.**

- 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)**

No reduction has been requested. Parking criteria are discussed earlier and are conditioned to be met.

- 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 illustrated appear from the Utility Plan to be placed underground. Telephone, cable and electricity lines are not illustrated on the utility plans and shall be placed underground.[Condition]

- 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.**

The subject site is 10.36 acres (@448,668 sq. ft.) in size. The applicant calculates approximately 24% as right-of-way and easement area. Therefore, they state there is 342,353 square feet of net area of which 68,470 square feet of open space is required. Of the required 20% open space, 25 percent, or 17,117.5 square feet of recreational use is required. They propose to have 10% (34,202 sq. ft.) open space and use fee in lieu for the remaining 10%.

Pathways: The proposal includes 23,027 sq. ft. of a 10' wide perimeter yard on the west and north sides of the development labeled as a 10' "pathway" or "nature trail" depending on which exhibit you look at. There is also a 10' wide pathway extending west to east between lots 49 and 51 and 48 and 50 and 79 and 80. It is assumed as delineated on the open space plan these latter pathway areas are included in the "nature trail" calculation. Note these exist as right-of-way amenities to meet maximum block length and while they may serve a dual purpose to also count as open space their construction requirements differ. Additionally, within Phase 4 there is a 20' wide area demarcated as vehicular access and nature trail extending north east from the street to the publicly-owned property to the north. It is included as open space and is not platted as right of way. Lots are required to have street frontage in order to be considered legal. However, FCC 11-4-2-B-1 permits exceptions for PUDs. The definition of open space in 10-2 excludes streets by name. The definition of street appears to exclude this type of use which is more akin to an alley. The plat shall include narrative language that specifies the dual (vehicular and pedestrian) purpose of this 20' wide open space area. The Phase 4 pedestrian pathway area shall either be constructed of different material or demarcated with a paint line or other pavement markings separating the vehicular and pedestrian areas. A sign shall be placed at the street at the entry for each pathway connection announcing it as a trailhead. **[Condition]**

The application does not include a construction design for the pathways. In conjunction with Final PUD application the construction plans for the pathways shall be provided. The paths shall be constructed to park/recreation industry standards with a minimum 8' width and 2" deep bark, asphalt, or ¾" minus gravel. The area not constructed as pathway shall not count towards the recreation open space calculation unless recreation amenities are included such as resting and passing space with durable park quality benches, tables and/or pet waste stations. **(Condition)**

Tract A: The proposed development includes Tract A, a parcel situated in Phase 4 between lots 80 and 81 which is 11,241 sq. ft. Tract A has no development plan. Open spaces are required to be improved for their intended use or left in their natural state. In conjunction with Final PUD application either a development plan for Tract A shall be provided that includes recreation amenities to support the use or a replanting plan with native shrub, tree and groundcover species replicating the site prior to clearing. **(Condition)**

The application seeks exceptions which includes a requirement for greater than 25% of the open space area to be designated for recreational use. Upon submittal of the Final PUD application, the applicant shall demonstrate that active recreational uses throughout the recreational open spaces will be provided in greater amount than the 25% required. A final open space and recreation space plan shall be provided with Final PUD application that include the sq. ft. calculations, percentages and construction details, replanting plans and recreation amenities. **[Condition].**

- 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.**

There are three phases. The open space and recreation areas shall be constructed/improved prior to final plat signing for their respective phase, unless a performance bond or other assurance is provided. **(Condition)**

- 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 City may require that the developer provide a bond or other adequate assurance that the open space and recreation amenities will be completed if the plat is signed prior to their installation.

- 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 do 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 proposing just over 50% of their 20% open space as fee in lieu. Recreation area percentage not met on-site will also be provided as fee in lieu and include amenities calculation as well as area.

The subject site is 10.36 acres (@448,668 sq. ft.) in size. The applicant calculates approximately 24% as right-of-way and easement area, leaving 342,353 square feet of net area of which 68,470 square feet of open space is required. Of the required 20% open space, 25 percent, or 17,117.5 square feet of recreational use is required. They propose to have 34,202 sq. ft. open space and provide the remaining 34,268 sq. ft. as fee lieu. Presently they calculate approximately 23,027 sq. ft. of trail area presumably as recreation area. It is assumed the recreation space allotment does not require fee in-lieu.

An analysis was performed using the methodology outlined above. The average sq. ft. value was calculated for the abutting Mariners Village lots (86,245 sq. ft. at \$9.60 p/sq.ft.) and Fairway Estates Phase 1 lots (34,413 sq. ft. at \$8.69 p/sq. ft.). Then a similar area was calculated for the northern publicly owned property (65,334 sq. ft. at \$1.37 p/sq. ft.) and the eastern golf course property (212,650 sq. ft. at \$.40 p/sq. ft.) using their listed real property land values. All lot areas and values were acquired from RLID in Feb. 2023. The average value (\$5.015) was then used to calculate the fee for the fee in lieu Open Space area.

The amount of open space being used as fee in-lieu is 34,268 sq. ft. multiplied by the average sq. ft. value of \$5.015 = \$171,857.03. The fee-in-lieu amount for the open space is \$171,857.03. The applicant shall either pay the entire fee-in-lieu in whole prior to plat signing for the first phase or pay the fee-in-lieu in a proportionate amount prior to final plat signing for each phase in an amount of \$4,191.63 per lot per phase (\$171,857.03/41 lots). [Condition]

- 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 requirement of a Phase 1 site investigation report prior to grading. A Phase 1 site investigation has been provided. 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 does not include a mix of residential unit types or density. Recreational uses are proposed through the open space recreational amenities discussed in Section 23 10-23-5 of this Title. It is presumed an exception is sought on this criterion by which the aforementioned concessions must be provided for in the Final PUD (additional recreation area, architectural standards for the homes, etc...)

- 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:**

Title 10 Chapter 10 Medium Density criteria were reviewed in that section above where information was available in the application for review. There is only one area of the zoning district that modifications are sought and is restated below for clarity.

“The proposed tentative plan includes lots with widths ranging from 66 to 100 ft. wide and depths 76 to 144 ft. deep. The lots meet the minimum width dimension. There are four instances when the lots do not meet the minimum depth (Lots 67, 68, 69, and 77). As part of the PUD process lot dimensions may deviate without need for a variance.

The proposal also seeks modification to include but not limited to: street intersection design, street profile design, right-of-way dimensions, block perimeter, and frontage requirements. FCC 10-23-5-H includes criteria that are to be met in order for the deviation to be permitted. The application does not include a review of these criteria. Since modifications to code are requested without need of a variance, the applicant shall with Final PUD application provide evidence for review and consideration by the Planning Commission that address the criteria in 10-23-5-H.” (Condition)

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

Architectural renderings of typical building styles were not provided. This criterion is conditioned above in this section.

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

The proposed site does not contain unique land forms. However, there are unique forms to the north for which pedestrian and vehicular access are proposed.

**3. More recreation space than the minimum required**

While the application does not specify an amount of recreation space provided, the trail area is stated to be 23,027 sq. ft. Unless the entire area is built as discussed in the open space section the quantity stated is expected to reduce. The final sq. ft. will need to be provided with Final PUD. The required amount of recreation space is 17,132 sq. ft. and more than the minimum is required. This criterion has been conditioned above.

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

The proposal provides for a pathway system on the west and north edges of the property. Tract A does not have a proposed plan although it is conditioned earlier in the report.

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

See the section on Chapter 7 which discusses the presence of Yaquina soils and wetlands.

**6. A mix of dwelling unit types and densities**

The proposed PUD will not include of dwelling types or density. This situation is in keeping with the approved Master Plan for the PUD (modified 2003) which called for single family residences in this phase.

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

The proposed PUD will not include of dwelling types or density. This situation is in keeping with the approved Master Plan for the PUD (modified 2003) which called for single family residences in this phase.

**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 are provided along the rights of way for utilities and right-of-way use. Streets, pedestrian paths and all common open space will be provided in tracts and will be maintained by the association of owners or tenants. The 2003 Master Plan modification approval includes water looping between this project and the one to the east. The water line proposed for in the access area between lots 65, 66, 67, and 68 shall be sized and included in an easement extending to the northern property line. [Condition] Easements shall also be noted on the final plat. [Condition].

**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 engineers, planners, and surveyor. Landscaping was not proposed and so one is not on the team. Planting is conditioned under this approval and shall be designed and proposed through a landscape plan by a licensed landscape architect. [Condition]

**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.**

Application conferences discussing the items listed above were held with the City and the design team on several occasions.

**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 such as the street, lot lines, pathways, and common open use spaces.

- 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 improvements are private with nothing being conveyed to the public.

- 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 proposal includes pathways and a lot reserved for common open space area. Plot plans were not provided for either area. The Final PUD application shall include refinement open space and recreation space plans that include the location, dimensions, and illustrations for construction and installation of the amenities. Where applicable there interface with access and other utility infrastructure shall be illustrated.

- 4. **Elevation and perspective drawings of proposed structures.**

Elevations for the proposed residential unit structures were not provided. Typical home renderings shall be provided with the Final PUD application. {Condition}

- 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.

A phasing plan was provided with narrative 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 covenants were not provided with this application. With the Final PUD application the applicant shall provide agreements, provisions or covenants to govern the use, maintenance and continued protection of the PUD and its common open space and recreation areas, [Condition].

**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.**

Conditions have been included addressing landscaping and tree planting. With the Final PUD application, construction plans shall be provided for the accessway between lots 65, 66, 67, and 68 illustrating its planned connections with the northern pathway and the street from which it extends from. A pedestrian connection/demarcation shall be provided between the sidewalk to the southwest and the "driveway access" [Condition].

Parking is proposed on just one side of the street. Signage shall be installed indicating which side of the street parking is permitted. [Condition]

**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 phasing plan that includes three phases. The phasing shall be completed within 8 years of preliminary PUD approval with each phase submitted within 2 years of each other. [Condition]

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## **TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION**

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### **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.

No access to a public street with a new curb cut or driveway approach is proposed. Not applicable.

**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.

**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 Sandow Engineering. This firm concluded no traffic controls were warranted. The TIA was peer reviewed by Kittleson Associates, whose conclusions are attached to this report and included a request for a southbound left turn analyses at 35<sup>th</sup> and Rhododendron Dr. In response, the applicant submitted a reply to which Kittleson concurred with.

**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.**

No consultation was requested with city staff to determine the content or level of analysis.

**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”.**

The 2005 PUD Master Plan modification includes a Condition 11 for access easement between this development and the one to the east along the northern property line. The access has not been proposed with this development but can be achieved with the installation of the northern access drive onto the City property for future connection. No right of way dedications, turn restrictions, access adjustments or spacing standards between intersections are required to be conditioned.

**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.**

No conditions of approval are needed to meet operations and safety standards of the street system.

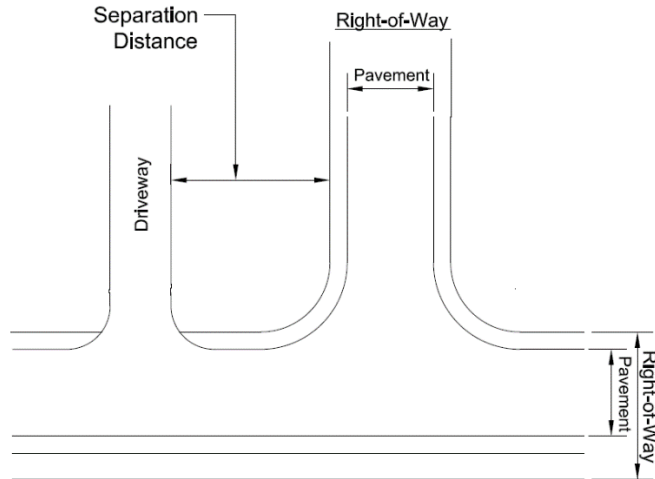
**10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:**

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

**Separation Distance from Driveway to Pavement:**

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

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



- B. Where the City finds that reducing the separation distance is warranted, such as:
- a. no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or
  - b. planned improvements or traffic circulation patterns show a different location to be efficient and safe,
- the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).
- C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-family and duplex dwellings are exempt.

The subject site consists of a single private loop street. Access to the single-family homes is provided through a series of private driveways. Driveway locations have not been proposed but shall be located 15' from street intersections. All of the lots will have the ability to back onto the private street.

**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. 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 vehicular and pedestrian circulation plan has been submitted by the applicant. The pathways used to meet block length criteria and those connecting offsite and between sites shall meet the provisions of 10-35-3 related to design and construction. **[Condition]**

**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 and are not needed except as previously conditioned. Each phase shall have a fire code official approved turnaround for any leg of street or drive extension over 150’ long. Easements for these emergency access will be required as they will be constructed on the subsequent phase. **[Condition]**

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



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

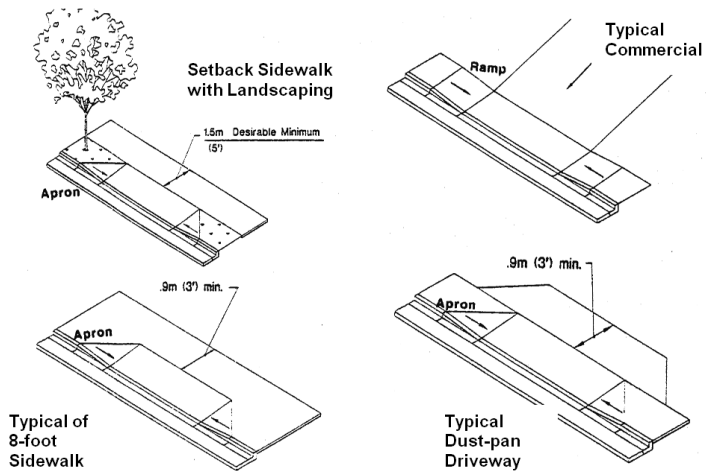
Driveway approaches shall receive a right-of-way permit for construction to ensure the approaches have been designed and located to conform with the City's spacing and design standards in accordance with 10-35-2-12-B. [Condition]

- B. **Driveways.** Driveways shall meet the following standards, subject to review and approval by the Public Works Director:
1. Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.
  2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.
  3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.
  4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).
  5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

The proposed street network will feature a private loop road, which intersects Phase 1 streets. Access to the single-family lots will be from the looped road. The proposed design provides adequate circulation for vehicles, bicycles and pedestrians. The driveway serving Lots 65, 66, 67, and 68 shall be paved a minimum width of 18' wide and shall be signed "parking prohibited". The pedestrian pathway shall be demarcated with either a paint stripe or differing pavement colors or markings. With a minimum width of 10' wide meeting the block length criterion. [Condition]

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

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



Driveway aprons have been conditioned 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.**

Siuslaw Valley Fire and Rescue provided comments on this project where a turnaround was required between phases and on drive aisles greater than 150' and that a secondary access or sprinklers were required. As applicable to this criterion each phase will require a temporary turn around meeting the criterion of Figure 10-35(3). For the driveway in the northeast corner of Phase 4 the pavement shall be a minimum of 18' wide with 20' of unobstructed aisle width that is signed “no stopping or parking” and include a turnaround meeting Figure 10-35(3) until through connection onto Rhododendron Drive or east to Oak St. is available from the northern city owned property. **[Condition]**

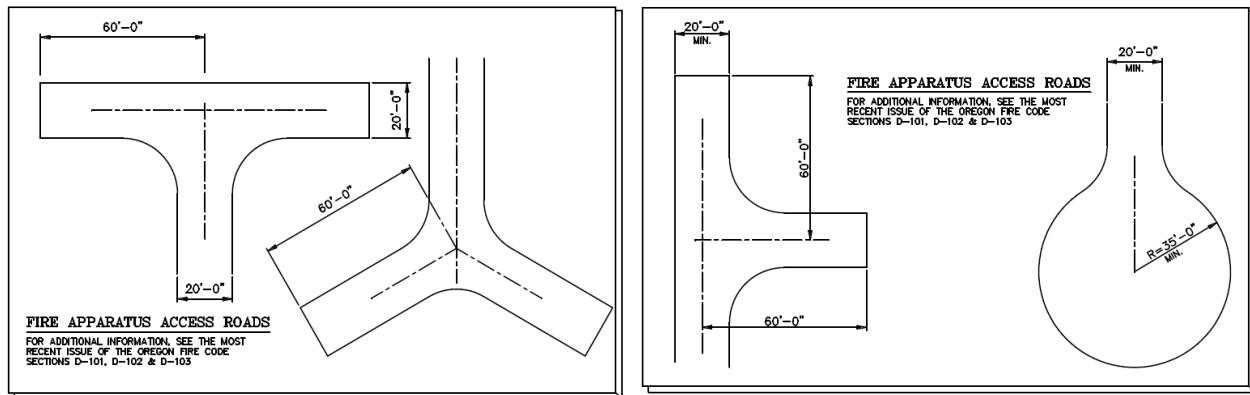


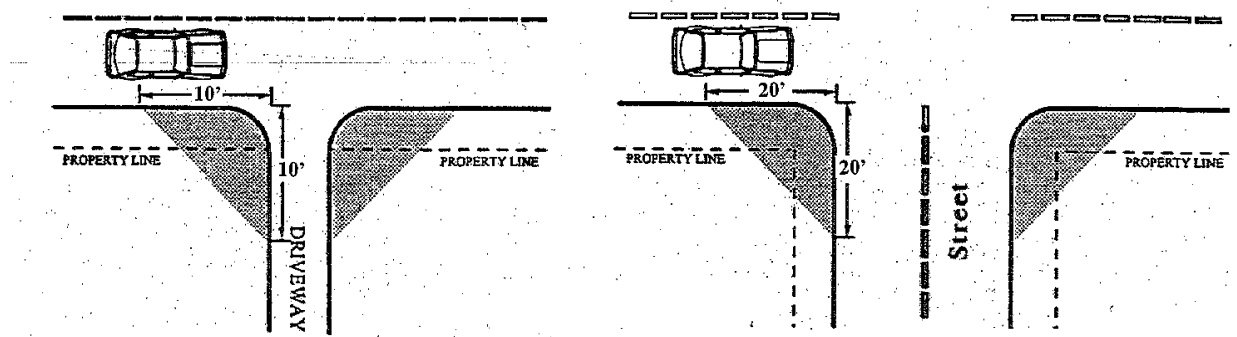
Figure 10-35(3): Examples of Fire Lane Turn-Around

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)

As proposed no intrusions into the vertical and vision clearance area are proposed.

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

**10-35-3-1: Sidewalk Requirements:**

- A. **Requirements:** Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:
1. Upon any new development of property.
  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. **Exceptions:** The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a 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. **Appeals:** If the owner, builder or contractor considers any of the requirements impractical for any reason, s/he may appeal the decision to the Planning Commission.
- D. **Timing:** Sidewalks shall be constructed and approved by the Public Works Department prior to final inspection for the associated building permit. No certificate of occupancy may be issued until the required sidewalks are constructed or financially secured.

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

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

Sidewalks are proposed along the inside of the private street. Pathways are proposed to connect to open spaces on the outside of the street at two points. The sidewalks shall have signage and a demarcated connection to pathways through either pavement markings, thermoplastic, or contrasting paving materials (e.g., light-color concrete inlay between asphalt) to illustrate the crossing area. Use of paint or thermoplastic on a 28' wide street constitutes an exception from 10-35-3-3-B. [Condition]. The pathway in Phase 1 shall connect with the adjacent one in Phase 2. [Condition]

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

1. **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
2. **Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

[...]

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

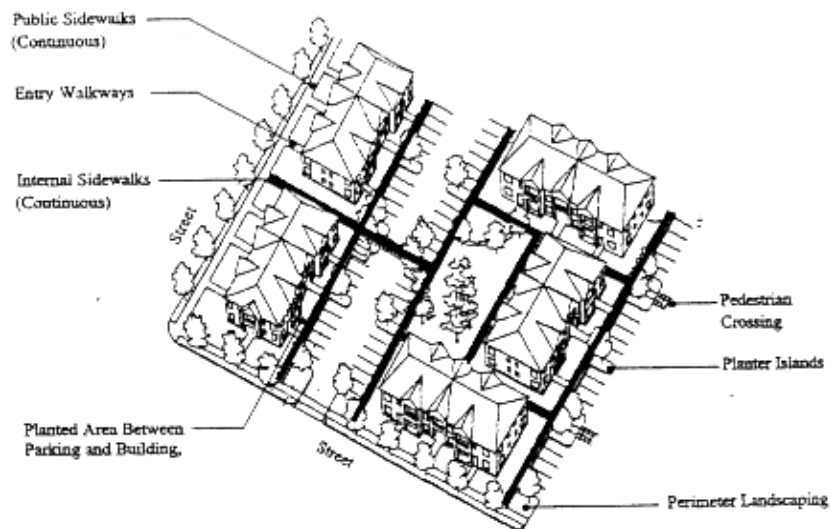
The internal circulation system appears to be reasonably direct, free from hazards, and provides access to all residential entrances on site. These criteria have been met.

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

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

practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and

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



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

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

The street typical illustrates the sidewalk abutting streets and driveways will be separated by a six-inch curb.

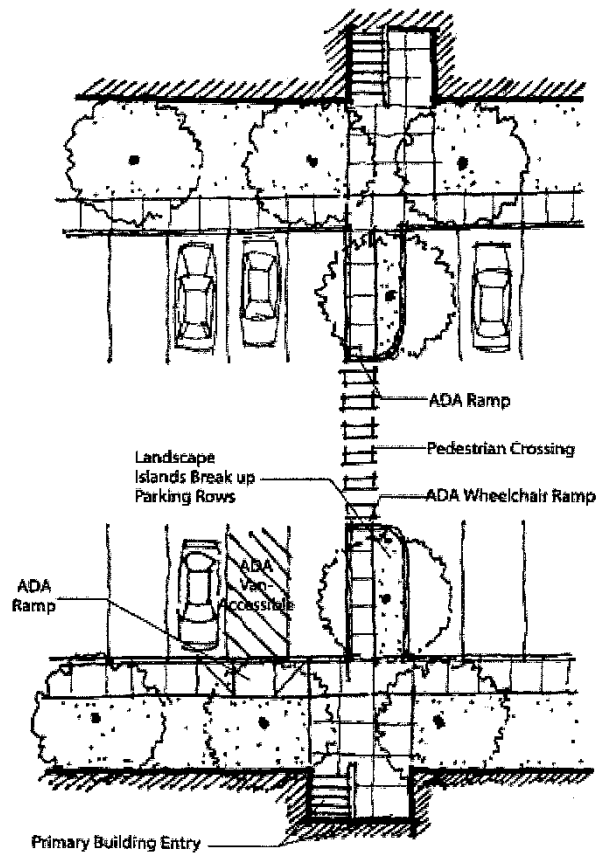
- B. **Pedestrian Crossing.** Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and

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

All pedestrian crossings have been conditioned to be clearly marked with contrasting materials, paint or striping in accordance to this subsection.

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

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



The multi-use paths providing to meet block length criteria shall be concrete or asphalt at least 10 ft. in width. [Condition]

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

All walkways and multi-use paths shall conform with applicable ADA requirements. Ramps will be provided where walkways intersect with driveways and streets, On-site residential walkways will provide direct routes to primary building entrances. [Condition]

**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. Lots 67 and 68 do not have street frontage. They are proposed to have frontage along a private driveway extending north to the pathway tract. The driveway is not a street by definition but rather an accessway. The application includes other

modifications to the code. The Phase 4 accessway shall either be platted as a private right-of-way or as a tract and have a private access easement for vehicular and pedestrian uses. [Condition]

**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.**

This project is a part of Phase C2 of the guiding Sandpines Master PUD Plan approved in 1992 and modified in 2004. C2 abuts Rhododendron Dr. There are three transportation projects identified in the TSP for the Rhododendron Dr. frontage of Phase C2, PRJ-17D, MU-1B, and B-4. There is thus a nexus for participation in construction of the separated multi-use path and related Rhododendron Dr. improvements such as road widening.

The City's capital improvement plan includes construction of the path along Rhododendron abutting this phase. Proportional participation has been addressed in land use approvals for both Florence Golf's Rhododendron Arbor and Fairway Estates Phase 1 developments to the south. The applicant shall provide financial security for proportionate contribution for the future right-of-way improvements to Rhododendron Dr. in conformance with the TSP for Phases 2, 3 and 4. Proportionate financial security shall be provided to the City of Florence prior to turning improvements over to the Home Owners Association for the respective phase and/or prior to issuance of the building permit for the home on the lot that constitutes the point at which HOA turnover would occur as stated in the CCR's and/or Bylaws. Failure to do so does not pass the financial obligation on to the HOA. Payment remains the responsibility of the applicant and no additional building permits will be issued until payment is received or a notarized plan for payment is coordinated with the City. [Condition].

**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.**

Streets are proposed to extend from those within Phase 1. They are proposed to be developed in accordance with the local street, single side parking design.

**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 the street and accessway. 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 thus a nexus for participation in construction of the separated multi-use path and related Rhododendron Dr. improvements such as road widening.

The City's capital improvement plan includes construction of the path along Rhododendron abutting this phase. Proportional participation has been addressed in land use approvals for both Florence Golf's Rhododendron Arbor and Fairway Estates Phase 1 developments to the south. Proportionality shall be determined with Final PUD application review and approval. The applicant shall provide financial security for proportionate contribution for the future right-of-way improvements to Rhododendron Dr. in conformance with the TSP for Phases 2, 3 and 4. Proportionate financial security shall be provided to the City of Florence prior to turning improvements over to the Home Owners Association for the respective phase and/or prior to issuance of the building permit for the home on the lot that constitutes the point at which HOA turnover would occur as stated in the CCR's and/or Bylaws. Failure to do so does not pass the financial obligation on to the HOA. Payment remains the responsibility of the applicant and no additional building permits will be issued until payment is received or a notarized plan for payment is coordinated with the City. [Condition ].

**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 accessway. 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 proposal includes Phase 4 northern connection to the City property to the north. Options for easement or platting have been previously conditioned in this report. This project is a part of Phase C2 of the guiding Sandpines Master PUD Plan approved in 1992 and modified in 2004. Both included provision of the Phase 4 accessway being provided for emergency access both for the city to the northern property and the public for Tsunami evacuation. Typically, there would be a note stating all streets are private roads. With final plat applications the materials shall provide notation or easement illustrating the street

and pathways have language on the plat indicating their proposed use as a private HOA access. Additionally, in accordance with Master Plan implementation emergency ingress and egress shall be provided to the public through the accessway. [Condition].

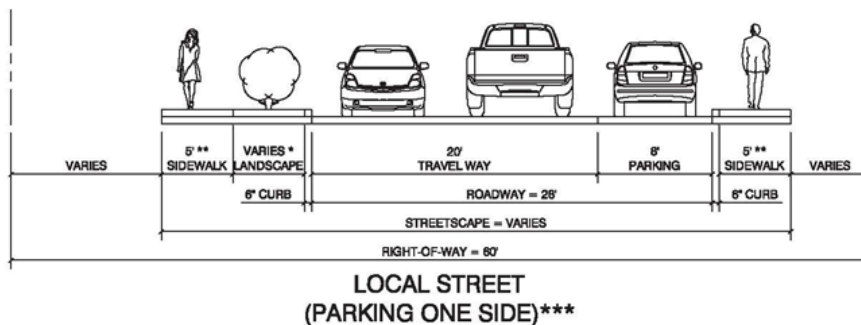
**10-36-2-5: Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.**

- 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 thus a nexus for participation in construction of the separated multi-use path and related Rhododendron Dr. improvements such as road widening.

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

The applicant proposes to construct a private local roadway through the development. The proposed right-of-way width on the plat illustrates 40' of width, consisting of 28' of roadway, 6" of curb, 5' of sidewalk, and 6.5' of an 8.5' storm swale. Additionally, there will be the remaining 2.5' of swale and 5' PUE area within easements on the outsides of the right-of-way. The total right-of-way width of 60' is not met. 50' of the intent of the ROW is met through platting and easements. Modifications to street standards for right-of-way width are available below.



\* OPTIONAL LANDSCAPE WIDTH AND LOCATION MAY VARY AND IS 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 the road's right-of-way width from the standards set by code. The applicant proposes the utilizing the PUD process which permits a relaxation in the code standards rather than 11-7.

Access needs for emergency vehicles include access turn-arounds which have been addressed in earlier review and are conditioned. Additionally, the state fire code D 107 includes the need for adequate fire apparatus access. Specifically, it states that developments with more than 30 single family units to either be built with fire sprinklers or have a secondary fire access with minimum spacing standards. The existing gate onto Royal St. George to exit onto 35<sup>th</sup> St. does not meet the spacing standards. The Fire Chief presented language from ORS 918-480-0125 Uniform Alternate Construction Standard for One- and Two-Family Dwellings which provides alternatives to the 2<sup>nd</sup> access standard when there has been a determination of inadequate apparatus access or water supply.

The 1992, 2003, 2005 and 2007 PUD land use approvals all include access to the northern City owned lot in one form or another. Pushing vehicular access northward for future secondary access is ideal. Typically, this connection to Rhododendron Dr. then would be paid for at the expense of the developer. The ownership accessibility is not presently available to connect to Rhody.

The Fire Chief and Building Official have reviewed a list of alternatives included as an exhibit to these findings. They concluded that Item 4e from the ORS to be adequate to abate the risk: *"Uniform Alternate Construction Standards for One- and Two-Family Dwellings. Uniform Alternate Construction Standards are limited to one or more of the following fire suppression and fire containment components: Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban*

*Interface rules adopted by the Oregon Department of Forestry (see OAR 629-044-1060 (Default Standards)).” This alternative building construction and inspection method would be acceptable until such time a secondary access is available. The structures built in Phases 2, 3, and 4 shall meet ORS 918-480-0125-4e implemented by 2021 Oregon Residential Specialty Code R327. At such time secondary access is available that meets Fire Code D107 standard construction may be performed and this alternative method end. [Condition]*

- 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.**

The Phase 4 accessway is a form of partial improvement as it is not to the required street width. As proposed it provides for two travel lanes. Also, a pathway is proposed in the same area. It has been conditioned elsewhere to be separated from the vehicular travel lane. Minimum fire access width is 16' paved with 20' total available.

**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.**

Alleys are not proposed.

**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 will include a sidewalk. There is a planned pedestrian connection through this development to property to the north. The master PUD plan for this property required vehicular connection to the property to the north. This criterion is conditioned to be met elsewhere.

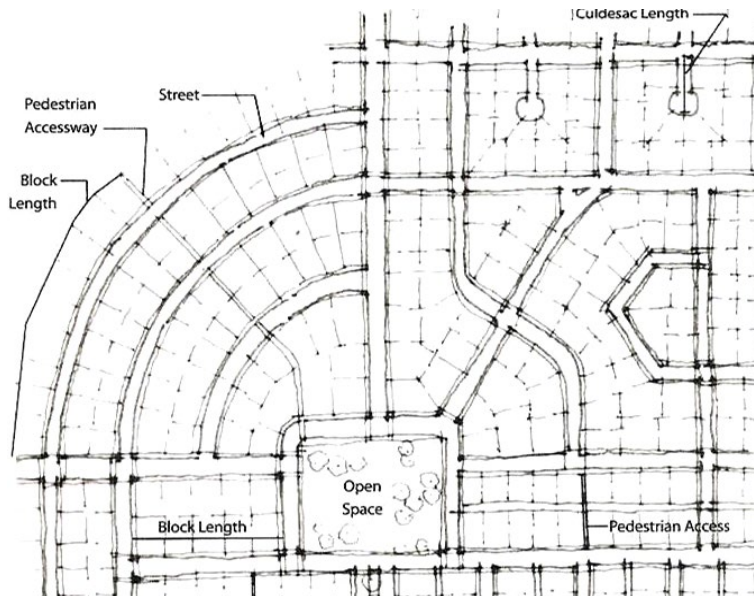
**10-36-2-10: Block Length and Block Perimeter: In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and 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 500 feet along the street with a perimeter of around 1,200 feet. There are no block lengths less than 100'. The block length criterion is met and block perimeter is exceeded. The applicant is using the PUD process to address modifications to the code.

**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 Sandow Engineering that concluded no traffic controls were warranted. The TIA was peer reviewed by Kittleson and Associates. Their conclusions are attached to this report and they basically concur with the findings.

**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.**

No additional intersections onto arterial or collector roadways are proposed with this project.

- 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 2-way intersections on the northern end of the proposed road. They contain no offsets as described in this criterion. Rather they are elbow corners as reviewed below.

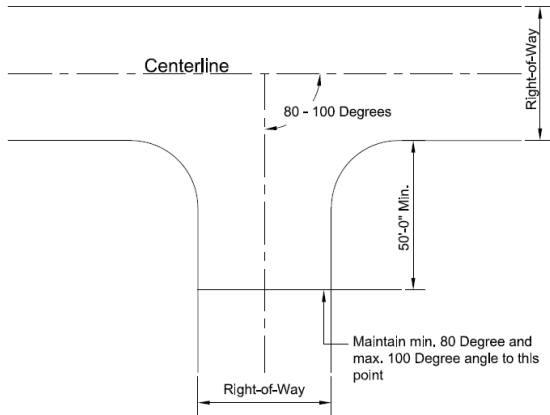
- C. Corner curb return radii shall be at least thirty-five (35) feet on Arterial Streets and at least twenty (20) feet on other streets, except where smaller radii are approved by the Public Works Director. Larger Radii may be required by the Director to accommodate emergency and freight vehicles.**

The corner curb return radii were not provided on the plans or plat. Final plat materials shall indicate the corner curb return radii meeting city code standards, or modification to the standards sought and documented by the Planning Commission. [Condition]

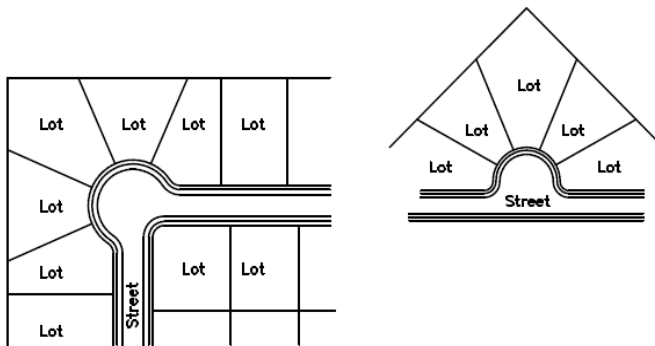
**10-36-2-14: Intersection Angles: Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case shall the centerline angle be less than 80°; elbow or knuckle corners are not allowed (see Figures 10-36(3)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

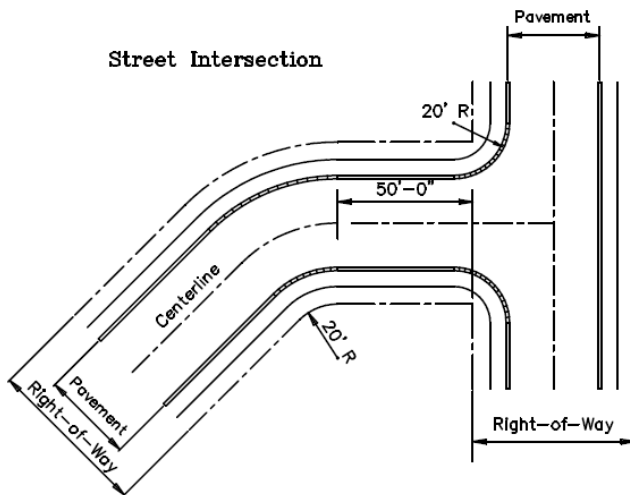
**Figure 10-36(3): Street Intersection Angle**



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



**Figure 10-36(5): Street Intersection**

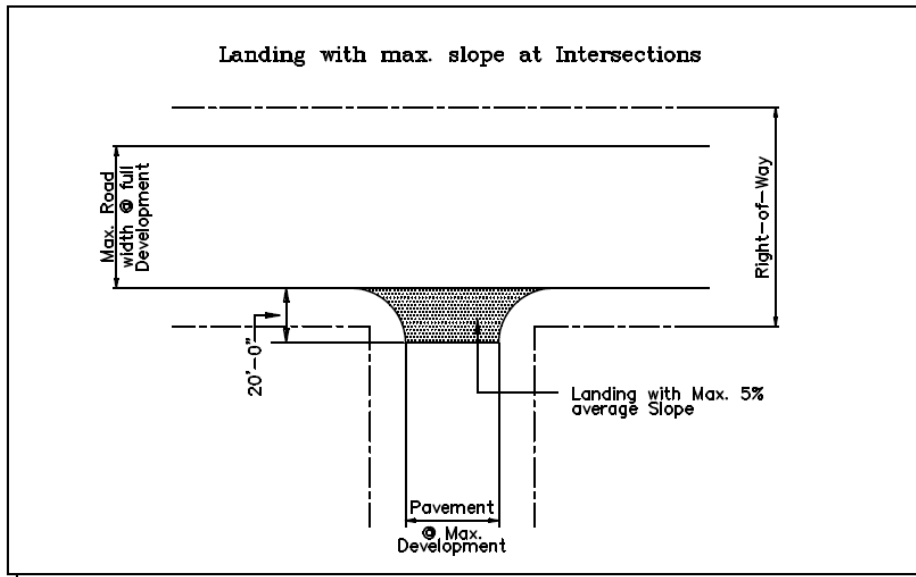


Two elbow corners are proposed. The eastern one also has an intersection angle less than 80 degrees. The applicant is requesting a modification to the criteria using the PUD process. They cite previous PUD property layout and an effort to not have a cul-de-sac as the reason for the design of elbows and reduced intersection angle.

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

- A. Centerline curve radii shall not be less than 700 feet on arterials, 350 feet on collectors, or 100 feet on other streets.
- B. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging 5% slope or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement. See Figure 10-36(6) for example.
- C. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be subject to the approval of the Public Works Director.

**Figure 10-36(6): Street Intersection Landing**



As shown on the proposed grading plan, grades will not exceed 12 percent on the proposed streets. The internal circulation system consists of a private street loop and private accessway. The private road will have a centerline curve radius was not provided on the plat and has been conditioned to do so with final application. The proposed streets will extend from the existing private streets within Phase 1. There will be no landings. These criteria are met or are conditioned to be.

**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 a single sidewalk on the inside of the proposed street loop. A modification through the PUD process is sought to the two-sidewalk local road standard.

**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.**

No additional right-of-way width dedications are required. 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.

Curbs and curb cuts shall be designed to meet the City of Florence Standards and Specifications. [Condition]

**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 the new east west street name until Final Plat. The name provided

shall meet the standards in FCC Title 8 Chapter 2 Section 1-1 or an exception shall be requested of and approved by the City Council. The north south streets are extensions of Caddington Lane and Dunbar Way previously approved by City Council.

**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.

Street signs and lights are required. The final utility plan shall include the standard drawings for street signs and street lights and they shall meet code and city standards. Mailbox plans shall be reviewed and approved by the US Postal Service. [ Condition]

**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 utility plan was provided which illustrates the proposed sewer, water and storm water design for the site and how the developer plans to connect to Phase 1's existing mains. No public infrastructure is illustrated in the public utility plans to connect from this 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 will perform final construction plan review and approval as part of the process prior to final plat and PUD applications.

- 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 not traversed by existing drainage channels. However, archival records from the 1990's indicate water flows previously traversed through this property. The stormwater management plan and utility plan include collection, routing and piping of stormwater flows. The Final PUD Master Plan illustrates a water connection from C2 (this development) to Phase C3 to the east. The water line in the Phase 4 accessway shall be sized to accommodate future connection and extended to the northern edge of the project to the city park property line for future connection by Phase C3 of the Sandpines Master PUD. [Condition] Oversizing of other utilities is not required. The requirements of these criteria are met or conditioned to be.

- 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 Siuslaw Valley Fire and Rescue Chief provided comments on the location and number of fire hydrants. Those comments were incorporated into revised plans and appear to have been met. Proposed locations of the single family homes on the lots in between hydrant locations will provide the final determination on whether fire protection compliance is met.

- 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 appears to be adequately served by the existing and proposed water, sewer and stormwater systems. Development permits will be withheld if service is contrary to that approved.

**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 such as NPDES prior to the site disturbance, [Condition].

#### **10-36-5: UTILITIES:**

##### **A. Underground Utilities:**

1. **Generally.** All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.
2. **Subdivisions.** In order to facilitate underground placement of utilities:
  - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic.
  - b. The City reserves the right to approve the location of all surface-mounted facilities.
  - c. All underground utilities, including water, sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
  - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

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

All new utility lines will be located underground and outside vision clearance areas, as shown on the Utility Plan. 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 not proposed on the plat application materials for public utilities on site. All proposed utility easements shall be a minimum of 15' wide and illustrated on the plat. [Condition]

**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].

**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 to the city such as a trail connection.**

**C. Standards for Parkland:**

1. **Ownership and Maintenance Requirements.** 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

The proposal includes a parcel and perimeter setback to be dedicated to the HOA for open space.

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**TITLE 10: CHAPTER 37: LIGHTING**

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**10-37-2: APPLICABILITY:** Section 10-37 applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted by provision of this Ordinance. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lot and maneuvering areas, landscape areas, streets and street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

- A. **Resumption of Use** - If a property with non-conforming lighting is abandoned for a period of one year or more, then all exterior lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.
- 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 will be 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 exempted lighting and thus is exempt from the requirement to submit plans with this application. Imagery of the luminaires will be required to be submitted with Building permit applications.

**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 luminaires not exempted on the residences, pathways, or open space areas shall be designed as full-cut off or contain shielding to direct light emissions downward.

**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 development shall meet the exemption requirements or be designed full-cut off. [Condition]

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**TITLE 9: UTILITIES**

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**TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT REQUIREMENTS**

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**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 subbasin of the Northwest Basin. The applicant proposes the use of infiltration swales for the streets and detention piping, and the southern open space area in Phase 1.

**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 drainage facilities will be privately owned and maintained.

**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 tentative 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 roadway and piped



stormwater systems 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. Civil West gave referral comments. Those have been answered and the plan modified.

**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. They have reviewed the plan with the criteria. The swales constructed shall meet the design standards in the stormwater design manual.

### **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 piped system and overflows into a pipe in 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.**

This criteria is addressed earlier in the report.

#### **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.

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**TITLE 11: CHAPTER 1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS**

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**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.**

**11-1-6: 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 application and fees.

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

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**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 in November of 2021 in accordance to this Section. This criterion has been met.

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

**A. Application for tentative plan approval shall comply with application requirements of FCC10-1-1-4.**

The application criteria are reviewed in section 10-1 above.

**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 electronic format which was sufficient. 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].

**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 streets shall be provided with final plat application for review and approval by the Planning Commission, [Condition].

- 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 on the tentative plan. 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 proposed plat. Criterion met.

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

The location of existing and proposed right of way lines for existing and projected streets was provided. Criterion met.

**5. The locations, names and widths of all existing and proposed streets and roads. Said roads and streets shall be laid out so as to conform to subdivisions 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, [Condition 14].

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

The proposed plat illustrates 40' rights of way. 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].

**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:**

<b>Contour Intervals</b>	<b>Ground Slope</b>
<b>1'</b>	<b>0% to 5%</b>
<b>2'</b>	<b>5% to 10%</b>
<b>5'</b>	<b>Over 10%</b>

The grading plan in the Stormwater Management Plan includes the existing and proposed contours. The proposed tentative plan does not include the elevation points and does include the datum. One-foot contour intervals are provided throughout the site. These criteria intent is met.

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

This criterion is discussed earlier in the report and has been conditioned to be met.

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

This criterion is discussed earlier in the report and has been conditioned to be met..

- 10. The approximate radii of all curves**

Sheets This criterion is discussed earlier in the report and has been conditioned to be met..

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

This criterion is met.

- 12. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.**

A Revised Preliminary Stormwater Management Report) was provided by the applicant and includes some information on current site and off site (abandoned ditch to the east) conditions. This criterion is met.

- 13. The existing and proposed uses of the property including the location of all existing structures that the applicant intends will remain in the subject area.**

Information on existing conditions was provided. No structures exist on site. This criterion has been met.

- 14. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public watersupply.**

The proposed subdivision will be tied in to the City of Florence water supply. This criterion has been met.

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

A utility plan, stormwater plan and typicals were provided. The specific utility facility profiles were not provided but will be required with construction plan review and approval to the Public Works.

- 16. 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.

- 17. 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 phasing and timelines. Criterion met.

- 18. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.**

The applicant has provided a grading plan and soil character in the stormwater report. Criterion met.

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

The applicant has provided phasing and timelines. Criterion met.

**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 in September 2022. Responses were received from the Siuslaw Valley Fire and Rescue and Public Works.

**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. Signage was posted on the property 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.**

No buildings are proposed within any of the ROW amenities mentioned.

- 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 private utilities and facilities are found on the utility plans. 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 is designed to queue into the existing storm system.

**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 conditioned within the findings.

**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.

The applicant states that the subdivision plat will be phased.

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**TITLE 11: CHAPTER 5: PLATTING AND MAPPING STANDARDS**

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

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

[...]

The applicant has provided profile sheets of the internal streets. The streets criteria have been reviewed and conditioned as necessary earlier in this report.

**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 underlying 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.

Lot sizes are in conformance with the zoning ordinance.

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

The proposed Tentative Plat provides for lot frontage along the main road. There are three lots for which lot frontage on a street are not provided. However, the Planned Unit Development approval process allows for an exception to the above. The Lane/alleyway system measures twenty feet in width, 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 side lot lines run at right angles to the Road they have frontage on. The dwelling lots are sized as typical single family lots. 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].

**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 on 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 2021 wetlands study performed on the site found wetlands in the limited project area in the northern portion of the site. In July the applicant provided a wetland delineation from Pacific Habitat, the same company who performed Florence' Wetlands Inventory. DSL concurred with their delineation. A Phase 1 site investigation review was performed and reviewed.

**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.

**Oregon Department of Consumer and Business Services, Building Codes Division**

**Rule 918-480-0125**

Uniform Alternate Construction Standard for One and Two Family Dwellings

- (1)** For lots of record created on or after July 2, 2001, if the building official intends to allow one or more of the Uniform Alternate Construction Standards at the time of building permit application, triggered by fire official determinations of inadequate apparatus access or water supply, the building official must:

  - (a)** Provide at least a general notification of the intent to allow such Uniform Alternate Construction Standards; and
  - (b)** Provide such notification in conjunction with the approval of a land use application under [ORS 197.522 \(Local government to approve subdivision, partition or construction\)](#).
- (2)** The building official, acting in conformance with these rules, may choose to apply one or more Uniform Alternate Construction Standards after a determination by a fire official with authority over water supply and apparatus access, that the water supply, apparatus access, or both are inadequate at a site. A building official shall give consideration to advice of the State Fire Marshal or local fire official that does not conflict with this rule, but shall retain the authority to make final decisions. Decisions to consider a Uniform Alternate Construction Standard and the selection of one or more Uniform Alternate Construction Standards by a building official are final.
- (3)** A Uniform Alternate Construction Standard is not a Statewide Alternate Method.
- (4)** Uniform Alternate Construction Standards for One and Two Family Dwellings. Uniform Alternate Construction Standards are limited to one or more of the following fire suppression and fire containment components:

  - (a)** Installation of an NFPA Standard 13D fire suppression system;
  - (b)** Installation of additional layers of  $\frac{5}{8}$  inch, Type-X gypsum wallboard;
  - (c)** Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire-resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
  - (d)** Installation of fire-resistive exterior wall covering and roofing components; or
  - (e)**

Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (see [OAR 629-044-1060 \(Default Standards\)](#)).

**(5)**

When unique site conditions exist on a lot or when installation of a full NFPA Standard 13D fire suppression system is impractical due to substantially increased local system development charges, a building official may accept installation of a partial NFPA Standard 13D fire suppression system in conjunction with one or more of the Uniform Alternate Construction Standards listed in subsections (4)(a) through (e) of this rule.

# Exhibit V

## Oregon Department of Consumer and Business Services, Building Codes Division

### Rule 918-480-0125

#### Uniform Alternate Construction Standard for One and Two Family Dwellings

- (1) For lots of record created on or after July 2, 2001, if the building official intends to allow one or more of the Uniform Alternate Construction Standards at the time of building permit application, triggered by fire official determinations of inadequate apparatus access or water supply, the building official must:
  - (a) Provide at least a general notification of the intent to allow such Uniform Alternate Construction Standards; and
  - (b) Provide such notification in conjunction with the approval of a land use application under [ORS 197.522 \(Local government to approve subdivision, partition or construction\)](#).
- (2) The building official, acting in conformance with these rules, may choose to apply one or more Uniform Alternate Construction Standards after a determination by a fire official with authority over water supply and apparatus access, that the water supply, apparatus access, or both are inadequate at a site. A building official shall give consideration to advice of the State Fire Marshal or local fire official that does not conflict with this rule, but shall retain the authority to make final decisions. Decisions to consider a Uniform Alternate Construction Standard and the selection of one or more Uniform Alternate Construction Standards by a building official are final.
- (3) A Uniform Alternate Construction Standard is not a Statewide Alternate Method.
- (4) Uniform Alternate Construction Standards for One and Two Family Dwellings. Uniform Alternate Construction Standards are limited to one or more of the following fire suppression and fire containment components:
  - (a) Installation of an NFPA Standard 13D fire suppression system;
  - (b) Installation of additional layers of  $\frac{5}{8}$  inch, Type-X gypsum wallboard;
  - (c) Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire-resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
  - (d) Installation of fire-resistive exterior wall covering and roofing components; or
  - (e)



Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (see [OAR 629-044-1060 \(Default Standards\)](#)).

**(5)**

When unique site conditions exist on a lot or when installation of a full NFPA Standard 13D fire suppression system is impractical due to substantially increased local system development charges, a building official may accept installation of a partial NFPA Standard 13D fire suppression system in conjunction with one or more of the Uniform Alternate Construction Standards listed in subsections (4)(a) through (e) of this rule.

**Building Code.** All photovoltaic electrical installations shall comply with the *Electrical Code*.

### SECTION R325 MEZZANINES

**R325.1 General.** Mezzanines shall comply with Sections R325 through R325.5. *Habitable attics* shall comply with Section R325.6.

**R325.2 Mezzanines.** The clear height above and below mezzanine floor construction shall be not less than 7 feet (2134 mm).

**R325.3 Area limitation.** The aggregate area of a mezzanine or mezzanines shall be not greater than one-third of the floor area of the room or space in which they are located. The enclosed portion of a room shall not be included in a determination of the floor area of the room in which the *mezzanine* is located.

**Exception:** The aggregate area of a mezzanine located within a dwelling unit equipped with a fire sprinkler system in accordance with NFPA 13D or other approved sprinkler system shall not be greater than one-half of the floor area of the room, provided that the mezzanine meets all of the following requirements:

1. Except for enclosed closets and bathrooms, the mezzanine is open to the room in which such mezzanine is located.
2. The opening to the room is unobstructed except for walls not more than 42 inches (1067 mm) in height, columns and posts.
3. The exceptions to Section R325.5 are not applied.

**R325.4 Means of egress.** The means of egress for mezzanines shall comply with the applicable provisions of Section R311.

**R325.5 Openness.** Mezzanines shall be open and unobstructed to the room in which they are located except for walls not more than 36 inches (914 mm) in height, columns and posts.

#### Exceptions:

1. Mezzanines or portions thereof are not required to be open to the room in which they are located, provided that the aggregate floor area of the enclosed space is not greater than 10 percent of the mezzanine area.
2. In buildings that are not more than two stories above *grade plane* and equipped throughout with an automatic sprinkler system in accordance with Section R313, a mezzanine shall not be required to be open to the room in which the mezzanine is located.

### SECTION R326 HABITABLE ATTIC

**R326.1 General.** *Habitable attics* shall comply with this section.

**R326.2 Minimum dimensions.** A *habitable attic* shall have a floor area in accordance with Section R304 and a ceiling height in accordance with Section R305.

**R326.3 Story above grade plane.** A *habitable attic* shall be considered a *story above grade plane*.

**Exception:** A *habitable attic* shall not be considered to be a *story above grade plane* where the space meets all of the following:

1. The aggregate area of the *habitable attic* is not greater than one-third of the floor area of the story below or, where located in *dwelling units* equipped throughout with an automatic fire sprinkler system in accordance with NFPA 13D, the *habitable attic* is not greater than one-half of the floor area of the story below.
2. The occupiable space is enclosed by the roof assembly above; knee walls, if applicable, on the sides; and the floor-ceiling assembly below.
3. The floor of the *habitable attic* does not extend beyond the exterior walls of the story below.
4. Where the *habitable attic* is located above a third story, the *dwelling unit* or *townhouse* shall be equipped throughout with an automatic fire sprinkler system in accordance with NFPA 13D.

### SECTION R327 WILDFIRE HAZARD MITIGATION

**R327.1 Purpose.** The purpose of this section is to provide minimum standards for *dwelling units* and their *accessory structures* located in or adjacent to vegetated areas subject to wildfires, to reduce or eliminate hazards presented by such fires.

**R327.2 Scope.** The provisions of this section shall apply to all *dwelling units* required to be protected against wildfire by a *municipality* that has adopted wildfire zoning regulations. The additional provisions of Section R327.4 shall apply when a local *municipality* has adopted a local ordinance specifically recognizing Section R327.4 and consistent with Sections R327.4 through R327.4.8.

**R327.3 Determination.** Wildfire hazard zones shall be determined using criteria established by the Oregon Department of Forestry.

**R327.3.1 Wildfire hazard zone requirements.** *Dwelling units* and their *accessory structures* shall be protected against wildfire by the following requirements in addition to other requirements of this code. The provisions of Section R327.4 apply only to qualifying lots identified in Section R327.4.1.

**Exception:** Nonhabitable detached *accessory structures* with an area of not greater than 400 square feet, (37.2 m<sup>2</sup>) located not less than 50 feet (15 240 mm) from all other structures on the *lot* shall be exempt from the requirements of R327.

**R327.3.1.1 Roofing.** Roofing shall be asphalt shingles in accordance with Section R905.2, slate shingles in accordance with Section R905.6, metal roofing in accordance with Section R905.4, tile, clay or concrete shingles in accordance with Section R905.3 and other approved roofing which is deemed to be equivalent to a

minimum Class C-rated roof covering. Untreated wood shingle and shake roofs are not permitted when the construction site is in a wildfire hazard zone as determined by Section R327.3.

**R327.3.1.2 Reroofing or repair of roofing of existing buildings.** When 50 percent or more of the roof covering of any building is repaired or replaced within 1 year, the roof covering shall be made to comply with this section and attic ventilation shall be made to comply with this code. Ventilation openings shall be protected with corrosion-resistant wire mesh not greater than 1/2-inch (12.7 mm) or less than 1/8-inch (3.2 mm) in any dimension.

**R327.4 Scope of additional wildfire hazard mitigation requirements.** The provisions of Section R327.4 shall apply to new *dwelling*s and their *accessory structures* located in a wildfire hazard zone on a qualifying lot of record created on or after the effective date in the local adopting ordinance.

**R327.4.1 Qualifying lots of record.** Qualifying lots of record shall meet all the following:

1. Be located in a wildfire hazard zone as identified by the local *municipality* using criteria established by the Oregon Department of Forestry. The local *municipality* is not required to include all areas identified by the Oregon Department of Forestry as wildfire hazard zones. The zone shall be detailed in the local adopting ordinance.
2. The local *municipality* shall determine in the adopting ordinance whether qualifying lots of record shall consist of individual lots or whether qualifying lots must be part of a development that contains a minimum number of lots.
3. The local *municipality* shall make a determination that the lot of record is either located within the identified wildfire hazard zone as determined by the *jurisdiction* or that it is located outside of the wildfire hazard zone as determined by the *jurisdiction*. Notification shall be provided in conjunction with the land use approval under ORS 197.522.
4. Application:
  - 4.1 Lots created prior to the effective date of the local ordinance, that would otherwise qualify under the local adopting ordinance, are exempt from the requirements of the ordinance for a period of 3 years from the creation date of the land use approval under ORS 197.522.
  - 4.2 For a lot created after the effective date of the local ordinance that receives notification under this section, the determination in the notification shall be valid for 3 years from the date of the land use approval under ORS 197.522. At the expiration of the 3 years, a lot of record shall be re-evaluated under the current version of the adopting ordinance prior to the issuance of a building *permit*.

**Infill exception:** *Dwellings* or *accessory structures* constructed on a lot in a subdivision do not need to

comply with Section R327.4 when 50 percent or more of the lots in the subdivision have existing dwellings that were not constructed in accordance with Section R327.4.

Nothing in the code or adopting ordinance prevents a local *municipality* from waiving the requirements of Section R327.4 for any lot, property or *dwelling*, or the remodel, replacement or reconstruction of a *dwelling* within the *jurisdiction*.

The local *municipality* must include a process for resolving disputes related to the applicability of the local ordinance and this section.

**R327.4.2 Definitions.** The following words and terms shall, for purposes of Section R327.4, have the meanings shown herein. Refer to Chapter 2 for general definitions.

**HEAVY TIMBER.** For the use in this section, *heavy timber* shall be sawn lumber or glue laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). *Heavy timber* walls or floors shall be sawn or glue-laminated planks splined, tongue-and-groove or set close together and well spiked.

**IGNITION-RESISTANT MATERIAL.** A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildland-urban interface conflagrations under worst-case weather and fuel conditions with *wildfire exposure* of burning embers and small flames. Such materials include any product designed for exterior exposure that, when tested in accordance with ASTM E84 or UL 723 for surface burning characteristics of building materials, extended to a 30-minute duration, exhibits a flame spread index of not more than 25, shows no evidence of significant progressive combustion, and whose flame front does not progress more than 10 1/2 feet (3.2 m) beyond the centerline of the burner at any time during the test.

**NONCOMBUSTIBLE MATERIAL.** Any material that in the form in which it is used and under the conditions anticipated will not ignite, burn, support combustion or release flammable vapors when subjected to fire or heat in accordance with ASTM E136.

**WILDFIRE.** Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property or resources.

**WILDFIRE EXPOSURE.** One or a combination of circumstances exposing a structure to ignition, including radiant heat, convective heat, direct flame contact and burning embers being projected by a vegetation fire to a structure and its immediate environment.

**R327.4.3 Roofing.** Roofing shall be asphalt shingles in accordance with Section R905.2, slate shingles in accordance with Section R905.6, metal roofing in accordance with Section R905.4, tile, clay or concrete shingles in accordance with Section R905.3 or other *approved* roofing which is deemed to be equivalent to a minimum Class B-rated roof assembly. Wood shingle and shake roofs are not permitted in a wildfire hazard zone.

Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be fire-blocked with *approved* materials, or have one layer of minimum 72-pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909 installed over the combustible decking.

Where valley flashing is installed, the flashing shall be not less than 0.019-inch (0.48 mm) No. 26 gage galvanized sheet corrosion-resistant metal installed over not less than one layer of minimum 72-pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909 not less than 36-inch-wide (914 mm) running the full length of the valley.

**R327.4.3.1 Gutters.** When required, roof gutters shall be constructed of *noncombustible materials* and be provided with a means to prevent accumulation of leaves and debris in the gutter.

**R327.4.4 Ventilation.** Where provided, the minimum net area of ventilation openings for enclosed attics, enclosed soffit spaces, enclosed rafter spaces and underfloor spaces shall be in accordance with Sections R806 and R408.

All ventilation openings shall be covered with noncombustible corrosion-resistant metal wire mesh, vents designed to resist the intrusion of burning embers and flame, or other *approved* materials or devices.

Ventilation mesh and screening shall be a minimum of  $\frac{1}{16}$ -inch (1.6 mm) and a maximum of  $\frac{1}{8}$ -inch (3.2 mm) in any dimension.

**R327.4.4.1 Eaves, soffits, and cornices.** Ventilation openings shall not be installed on the underside of eaves, soffits or cornices.

**Exceptions:**

1. The *building official* may *approve* special eave, soffit or cornice vents that are manufactured to resist the intrusion of flame and burning embers.
2. Ventilation openings complying with the requirements of Section R327.4.4 may be installed on the underside of eaves, soffits or cornices where the opening is located 12 feet (3658 mm) or greater above *grade* or the surface below.

**R327.4.5 Exterior walls.** The *exterior wall covering* or wall assembly shall comply with one of the following requirements:

1. *Noncombustible material*.
2. *Ignition-resistant material*.
3. *Heavy timber* assembly.
4. Log wall construction assembly.
5. Wall assemblies that have been tested in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in ASTM E2707,

complying with the conditions of acceptance listed in Section R327.4.5.2.

**Exception:** Any of the following shall be deemed to meet the assembly performance criteria and intent of this section:

1. One layer of  $\frac{5}{8}$ -inch Type X exterior gypsum sheathing applied behind the *exterior wall covering* or cladding on the exterior side of the framing.
2. The exterior portion of a 1-hour fire-resistive *exterior wall* assembly designed for exterior fire exposure including assemblies using exterior gypsum panel and sheathing products listed in the Gypsum Association *Fire Resistance and Sound Control Design Manual*.

**R327.4.5.1 Extent of exterior wall covering.** *Exterior wall coverings* shall extend from the top of the foundation to the roof and terminate at 2-inch (50.8 mm) nominal solid wood blocking between rafters at all roof overhangs, or in the case of enclosed eaves or soffits, shall terminate at the underside of the enclosure.

**R327.4.5.2 Conditions of acceptance.** ASTM E2707 tests shall be conducted in triplicate and the conditions of acceptance below shall be met. If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All additional tests shall meet the following conditions of acceptance:

1. Absence of flame penetration through the wall assembly at any time during the test.
2. Absence of evidence of glowing combustion on the interior surface of the assembly at the end of the 70-minute test.

**R327.4.6 Overhanging projections.** All exterior projections (exterior balconies, carports, decks, patio covers, porch ceilings, unenclosed roofs and floors, overhanging buildings and similar architectural appendages and projections) shall be protected as specified in this section.

**R327.4.6.1 Enclosed roof eaves, soffits, and cornices.** The exposed underside of rafter or truss eaves and enclosed soffits, where any portion of the framing is less than 12 feet (3658 mm) above *grade* or similar surface below, shall be protected by one of the following:

1. *Noncombustible material*.
2. *Ignition-resistant material*.
3. One layer of  $\frac{5}{8}$ -inch Type X exterior gypsum sheathing applied behind an exterior covering on the underside of the rafter tails, truss tails or soffit.
4. The exterior portion of a 1-hour fire-resistive *exterior wall* assembly applied to the underside of the rafter tails or soffit including assemblies using exterior gypsum panel and sheathing prod-

ucts listed in the Gypsum Association *Fire Resistance and Sound Control Design Manual*.

5. Soffit assemblies with an underside surface that meets the performance criteria in Section R327.4.6.5 when tested in accordance ASTM E2957.

**Exceptions:** The following materials do not require protection required by this section:

1. Eaves and soffits where all portions of the framing members are 12 feet (3658 mm) or greater above *grade*, and 2-inch nominal eave fireblocking is provided between roof framing members from the wall top plate to the underside of the roof sheathing.
2. Gable end overhangs and roof assembly projections beyond an *exterior wall* other than at the lower end of the rafter tails.
3. Fascia and other architectural trim boards.

**R327.4.6.2 Exterior patio and porch ceilings.** The exposed underside of exterior patio and porch ceilings greater than 200 square feet in area and less than 12 feet (3658 mm) above *grade* shall be protected by one of the following:

1. *Noncombustible material*.
2. *Ignition-resistant material*.
3. One layer of  $\frac{5}{8}$ -inch Type X exterior gypsum sheathing applied behind the exterior covering on the underside of the ceiling.
4. The exterior portion of a 1-hour fire resistive *exterior wall* assembly applied to the underside of the ceiling assembly including assemblies using exterior gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
5. Porch ceiling assemblies with a horizontal underside that meet the performance criteria in Section R327.4.6.5 when tested in accordance with the test procedures set forth in ASTM E2957.

**Exception:** Architectural trim boards.

**R327.4.6.3 Floor projections.** The exposed underside of cantilevered floor projections less than 12 feet (3658 mm) above *grade* or the surface below shall be protected by one of the following:

1. *Noncombustible material*.
2. *Ignition-resistant material*.
3. One layer of  $\frac{5}{8}$ -inch Type X exterior gypsum sheathing applied behind an exterior covering on the underside of the floor projection.
4. The exterior portion of a 1-hour fire resistive *exterior wall* assembly applied to the underside of the floor projection, including assemblies using exterior gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.

5. An assembly that meets the performance criteria in Section R327.4.6.5 when tested in accordance with ASTM E2957.

**Exception:** Architectural trim boards.

**R327.4.6.4 Underfloor protection.** The underfloor area of elevated structures shall be enclosed to *grade* in accordance with the requirements of Section R327.4, or the underside of the exposed underfloor shall be protected by one of the following:

1. *Noncombustible material*.
2. *Ignition-resistant material*.
3. One layer of  $\frac{5}{8}$ -inch Type X exterior gypsum sheathing applied behind an exterior covering on the underside of the floor assembly.
4. The exterior portion of a 1-hour fire resistive *exterior wall* assembly applied to the underside of the floor, including assemblies using exterior gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
5. An assembly that meets the performance criteria in Section R327.4.6.5 when tested in accordance with ASTM E2957.

**Exception:** *Heavy timber* structural columns and beams do not require protection.

**R327.4.6.5 Conditions of acceptance.** ASTM E2957 tests shall be conducted in triplicate, and the following conditions of acceptance shall be met. If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All additional tests shall meet the following conditions of acceptance:

1. Absence of flame penetration of the eaves or horizontal projection assembly at any time during the test.
2. Absence of structural failure of the eaves or horizontal projection subassembly at any time during the test.
3. Absence of sustained combustion of any kind at the conclusion of the 40-minute test.

**R327.4.7 Walking surfaces.** Deck, porch and balcony walking surfaces located greater than 30 inches and less than 12 feet (3658 mm) above *grade* or the surface below shall be constructed with one of the following materials:

1. Materials that comply with the performance requirements of Section R327.4.7.1 when tested in accordance with both ASTM E2632 and ASTM E2726.
2. *Ignition-resistant* materials that comply with the performance requirements of Section R327.4.2 when tested in accordance with ASTM E84 or UL 723.
3. Exterior fire-retardant-treated wood.
4. *Noncombustible material*.

5. Any material that complies with the performance requirements of Section R327.4.7.2 where tested in accordance with ASTM E2632, where the *exterior wall covering* of the structure is noncombustible or *ignition-resistant* material.
6. Any material that complies with the performance requirements of ASTM E2632, where the *exterior wall covering* of the structure is noncombustible or *ignition-resistant* material.

**Exception:** *Wall covering* material may be of any material that otherwise complies with this chapter when the decking surface material complies with the performance requirements ASTM E84 with a Class B flame spread rating.

**Exception:** Walking surfaces of decks, porches and balconies not greater than 200 square feet (18.58 m<sup>2</sup>) in area, where the surface is constructed of nominal 2-inch (51 mm) lumber.

**R327.4.7.1 Requirements for R327.4.7, Item 1.** The material shall be tested in accordance with ASTM E2632 and ASTM E2726, and shall comply with the conditions of acceptance in Sections R327.4.7.1.1 and R327.4.7.1.2. The material shall also comply with the performance requirements of Section R327.4.2 for ignition-resistant material when tested in accordance with ASTM E84 or UL 723.

**R327.4.7.1.1 Conditions of acceptance.** ASTM E2632 tests shall be conducted in triplicate and the following conditions of acceptance shall be met. If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All additional tests shall meet the following conditions of acceptance:

1. Peak heat release rate of less than or equal to 25 kW/ft<sup>2</sup> (269 kW/m<sup>2</sup>).
2. Absence of sustained flaming or glowing combustion of any kind at the conclusion of the 40-minute observation period.
3. Absence of falling particles that are still burning when reaching the burner or floor.

**R327.4.7.1.2 Conditions of acceptance.** ASTM E2762 tests shall be conducted in triplicate and the following conditions of acceptance shall be met. If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All of the additional tests shall meet the following conditions of acceptance:

1. Absence of sustained flaming or glowing combustion of any kind at the conclusion of the 40-minute observation period.
2. Absence of falling particles that are still burning when reaching the burner or floor.

**R327.4.7.2 Requirements for R327.4.7, Item 6.** The material shall be tested in accordance with ASTM E2632 and shall comply with the following conditions of acceptance. The test shall be conducted in triplicate

and the peak heat release rate shall be less than or equal to 25 kW/ft<sup>2</sup> (269 kW/m<sup>2</sup>). If any one of the three replicates does not meet the conditions of acceptance, three additional tests shall be conducted. All of the additional tests shall meet the conditions of acceptance.

**R327.4.8 Glazing.** Exterior windows, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire-resistance rating of not less than 20 minutes.

## SECTION R328 DETACHED GROUP R ACCESSORY STRUCTURES (GROUP U)

**R328.1 Purpose.** The purpose of this section is to provide for tabulated allowable area increases for detached Group R *accessory structures* (Group U) based on the availability of open spaces between adjacent buildings and/or property lines.

**R328.2 Scope.** The provisions of this section are limited to detached Group R *accessory structures*, which are not more than one story above grade plane in height. Mezzanines may be included within detached *accessory structures* but shall be limited to an aggregate floor area of not more than one-third of the area of the room or space in which the level is located.

**R328.3 Definitions.** The following words and terms shall, for the purposes of this section, have the meanings shown herein.

**SEPARATION DISTANCE.** The distance measured from the detached *accessory structure* exterior face to one of the following:

1. The closest interior lot line.
2. The centerline of a street, an alley or a public way.
3. Residences or other *accessory structures* on the same property.

The distance shall be measured at right angles from the face of the wall.

**R328.4 Allowable area.** The 3,000-square-foot (279 m<sup>2</sup>) area limitation imposed by definition for residential *accessory structures* shall be permitted to be increased where separation distances are provided on all sides of a detached *accessory structure* in accordance with Table R328.4.

**Exceptions:** Where a separation distance of 10 feet (3048 mm) or more is provided, 1-hour fire-resistance-rated construction may be substituted for the separation distance noted in Table R328.4 for one side of a detached *accessory structure* subject to the following conditions:

1. A minimum separation distance of 10 feet (3048 mm) must be provided adjacent to the 1-hour fire-resistance-rated exterior wall.
2. Openings in the 1-hour fire-resistance-rated exterior wall are limited to 15 percent of the area of the wall.

**R328.4.1 Residential accessory structures on same lot.** For the purposes of this section, two or more detached residential *accessory structures* on the same lot shall be regulated as separate buildings or shall be considered as

portions of one building if the aggregate area of the buildings is within the limitations of Table R328.4.

Where aggregate building areas are being considered as portions of one building, the separation distances specified in Table R328.4 shall be applicable to all exterior building faces which establish the aggregate building perimeter.

**R328.4.2 Projections.** Projections of exterior walls shall comply with Table R302.1 of this code.

**TABLE R328.4  
ALLOWABLE AREA INCREASE  
DETACHED GROUP R ACCESSORY BUILDINGS**

SEPARATION DISTANCE (feet)	ALLOWABLE AREA (square feet)
5	3,500
10	4,000
15	4,500
20	5,000
25	5,500
30	6,000
35	7,000
40	8,000
45	9,000
50	10,000
55	11,000
60 or greater	12,000

For SI: 1 foot = 308.4 mm, 1 square foot = 0.0929 m<sup>2</sup>.

**SECTION R329  
SWIMMING POOLS, SPAS AND HOT TUBS**

**R329.1 General.** The design and construction of barriers for residential *swimming pools* which are accessory to four or fewer *dwelling units* shall comply with the applicable provisions of the *International Swimming Pool and Spa Code*.

**SECTION R330  
STATIONARY STORAGE BATTERY SYSTEMS**

**R330.1 General.** *Stationary storage battery system* shall comply with the provisions of this section.

**R330.2 Equipment listings.** *Stationary storage battery systems* shall be *listed* and *labeled* for residential use in accordance with UL 9540.

**Exceptions:**

1. Where *approved*, repurposed unlisted battery systems from electric vehicles are allowed to be installed outdoors or in detached sheds located not less than 5 feet (1524 mm) from exterior walls, property lines and public ways.

2. *Battery systems* that are an integral part of an electric vehicle are allowed provided that the installation complies with Section 625.48 of the *Electrical Code*.

3. Battery systems less than 1 kWh (3.6 megajoules).

**R330.3 Installation.** *Stationary storage battery systems* shall be installed in accordance with the manufacturer's instructions and their *listing*, if applicable, and shall not be installed within the habitable space of a dwelling unit.

**R330.4 Electrical installation.** *Stationary storage battery systems* shall be installed in accordance with the *Electrical Code*. Inverters shall be *listed* and *labeled* in accordance with UL 1741 or provided as part of the UL 9540 listing. Systems connected to the utility grid shall use inverters listed for utility interaction.

**R330.5 Ventilation.** Indoor installations of *stationary storage battery systems* that include batteries that produce hydrogen or other flammable gases during charging shall be provided with ventilation in accordance with Section M1307.4.

**R330.6 Protection from impact.** *Stationary storage battery systems* installed in a location subject to vehicle damage shall be protected by approved barriers.

# Exhibit R11

**From:** Nancy Rhodes  
**To:** Planning Department  
**Subject:** January 10 meeting re Fairway Estates  
**Date:** Sunday, January 08, 2023 6:10:02 PM

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Attn: Planning Department or Wendy Farley Campbell

I want to confirm that the January 10 scheduled meeting to discuss Fairway Estates is still on the agenda. Please let me know if it again gets postponed. Thank you.

Also, I tried to find the planning details for the FE planned walking path but wasn't able to find anything I could read. There is too much to sort through and many of the Exhibits were shrunk so small (Like Exhibit D) I couldn't read them.

I am concerned about the location of the walking path. I want to confirm it will not utilize any of their 20-ft green belt. My understanding is that Mariners has a 10-ft green belt and Fairway Estates has a 20-ft green belt. Therefore, I want to make sure said walking path with be no closer than 30-ft from my property line, AND will not interfere with drainage on either property.

I am also concerned (as I expressed at the November meeting) that the developer doesn't clear trees and vegetation in unauthorized areas - as he did with Phase I.

Thank you for your kind attention.

Nancy Rhodes  
9 Mariners Land



To: Mayor and City Council, Planning Commission  
Subject: Fairway Estates, Phase 2-3-4  
and January 10, 2023, meeting

January 18, 2023

Concerns:

- (1) Emergency evacuation and traffic concerns
- (2) Illegal usage of Fairway Estates setback space
- (3) Drainage and tree stability concerns
- (4) Wetlands use

My name is Nancy Rhodes and I live at [REDACTED], Florence. I have attended the two prior meetings held at the Florence City Hall concerning Planned Unit Development, Title 10, Chapter 23.

At the November meeting, I expressed concerns regarding the city's vigilance over the Developer's actions once approval has been granted. He has a history of violating codes, including the destruction of property (trees and shrubbery) not yet authorized for removal. At the January 10 meeting, as recorded, I expressed concerns about the location of the Nature Trail or Walking Path and repeated my concern about the clearance of vegetation in UNAUTHORIZED areas.

With regard to the January 10 meeting:

- (1) Emergency evacuation: Mr. Pearson brought up that since Mariners Village only has one evacuation exit, he shouldn't be asked to have more. I would argue that Mariners Village has 70 homes, and his development will have 80. Also, the layout and acreage of Mariners make all homes very close to their exit. This is not true if you look at the homes planned in phases 2, 3, and 4. Also- important to note - is that since the time that Mariners was built, many new homes have come into the area—all that access Rhododendron Drive. And, as you know, there will be hundreds more in the condensed housing plan near Rhododendron and 35<sup>th</sup>.

**If all of us have to evacuate because of a Tsunami or fire, there will be such a backup on Rhododendron we could meet the same fate as people trying to flee from the Paradise (CA) fire.**

Finally, two wrongs don't make a right. Mariners Village should have had a second exit. I urge City Planning to make sure the residents of FE have another way of exiting FE besides Rhododendron Drive.

- (2) I believe Mr. Pearson indicated that his planned Nature Path will be on or within FE's easement space. According to Title 10-23-5 (E-4- b and g) "The following areas are **not acceptable for recreation area** required as part of a PUD: // b: 'wetland' buffer' (which much of the area near Mariners Village west side has acted as drainage since the 2017 storms); and, 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. Therefore the current plans for a nature path do not meet city requirements and should not be considered.

(3) Drainage and tree stability: During the last big Florence flood (which seriously affected Mariners Village) I had a lot of water on my property coming from the area slated for development. The last time I checked, there was an area just behind the Mariners 10-ft easement created as a ditch (parallel to my property) that served as drainage so water would not advance into our yards and homes. I urge the city not to allow the developer to fill in any such (important) drainage areas.

There is a grove of trees behind my home, many of which are within Mariner's 10-ft setback. Several more are on FE's setback. (Is it 10-ft or 15? I'd been told earlier it was 20... Would appreciate written confirmation on this.) If the developer removes the nearby trees next to ours—trees that are supported by the same root structures—our trees will no longer be supported and could fall during any major wind event. **This could damage my home and cause major injury to me or others.** I request that none of the trees within 30 feet of my property line be removed. If there are any plans to remove trees within this space, particularly behind FE lots 48 and 49, I urge the Planning Dept to conduct a thorough ecological study to ascertain 1) if removal of said trees will pose threat to surrounding trees on Mariner's property, and 2) will the removal of trees and shrubbery in that area lead to more water retention or flow to our properties?

(4) Wetlands: I was taken aback by Mr. Pearson's comment that the wetland area that he proposes to build on "are never wet." This clearly shows his lack of understanding concerning the importance of wetlands and habitat. I am disappointed that Mr. Pearson can simply 'buy' his way out of having the proposed amount of open space and will build on important wetlands. (I'm not familiar with this area, but I'd be surprised if they weren't wet right now.)

Unfortunately, I will not be in town for the scheduled February 14<sup>th</sup> meeting. I ask that my concerns be put on record, and request that my questions and concerns be carefully considered and addressed.

Thank you to the City Planning Department and staff for all their effort and work regarding this (and other) proposed development.

Nancy Rhodes



Florence OR 97439