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

**ITEM NO: 5**  
Meeting Date: May 23, 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:

The initial hearing was opened on November 22<sup>nd</sup> and subsequently continued on January 10<sup>th</sup>, February 14<sup>th</sup>, February 28<sup>th</sup>, and March 14, 2023. The continuances were requested to have more time to prepare materials in response to testimony, additional application materials being received at or before a hearing, and to respond to staff's reports/findings of fact. On April 25, 2023 the Planning Commission closed the public hearing, leaving the written record open for 7 days, and an additional 7 days for the applicant to respond to an testimony received in the first 7 days. Testimony was received. Staff provided the revised proposed conditions of approval, which are included in this packet and include additions shown as underlined and deletions shown and ~~strikeout~~. The applicant submitted their written responses on May 10<sup>th</sup> which include an memo reviewing edits to the proposed resolution, and revised Exhibits H-Utility Plan and I-Open Space and path plan. Staff made minor edits to the resolution provided to the applicant and those edits are highlighted in yellow.

Application: The application includes Phases 2, 3 and 4 of Fairway Estates and includes three considerations: Preliminary Planned Unit Development, Tentative Subdivision Plan and Site Investigation Report. The project site is part of the Sandpines PUD Master Plan approved originally in March 25, 1992 (Sunset Golf), with updates and renaming in 1997 and 2004. Fairway Estates is Phase C2 of a 2004 approved Master Plan revision. The Master Plan did not change from the 1997 approval for this area proposing around 40 units in all of Fairway Estates with lots around 10,700 sq. ft. Presently in total Fairway will have 80+ lots, double the master plan's anticipated quantity.

Fairway Estates Phase 1 included 40 lots and received final plat approval in 2018. This next set of phases (2,3, & 4) 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 41-detached single-family residential lots. The lots will be served by extensions of Dunbar and Caddington northward and connect at the north end with another street, essentially forming a looped street. Open space includes a bark walking path abutting Mariners Village and continuing east along the northern perimeter of the project site abutting city-owned open space to the north, where access is also proposed. Also, Tract A within Phase 4 is proposed to be retained for open space. They propose a fee-in-lieu for the balance of the required open space as permitted under [10-23-5-E-5](#). There are a number of code criteria that are proposed to not be met utilizing the flexibility allowed under the

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Planned Unit Development process and addressed under Title 10 Chapter 23. Namely these are intersection angles explained in [10-36-2-14](#), frontage requirements, lot depth, among other items explained in the findings.

Process and Review: The PUD and Subdivision applications follow a Type III land use procedure requiring a quasi-judicial public hearing. The new testimony and applicant submittals as well as the proposed resolution and findings of fact are attached to this AIS. 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.

The Planning Commission will hear a staff report on the material submitted to the department since April 25<sup>th</sup> and the final recommendation. Following the report from staff the Planning Commission will enter deliberations.

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**ISSUES/DECISION POINTS: These points are restated from the 4-25 memo with updates.**

- Open Space Fee-In-Lieu: Applicant proposes a portion of the required 20% open space to be met off-site through a fee-in-lieu for future park development at Three Mile Prairie to the north. Staff and the applicant's consultant have proposed different methodologies.

As required in FCC 10-23, staff and the applicant both calculated the average sq. ft of real market value of abutting property. Both left out the private streets, pathways, and Mariner's setback buffers which all have \$0 value. The difference in methodologies is that staff calculated the average sq. ft. values using similar quantities of sq. ft. of surrounding property and the applicant used a weighted average sq. ft. value from the amount of linear frontage. The golf course and city park land are both large and so staff used a square footage similar to the single-family lots for equal comparison. The applicant rather calculated the linear frontage of each property to apply the average sq. ft. amount to and established weighted values. The code states the fee is to be calculated by multiplying the sq. ft. of open space to be met with fee-in-lieu by the average sq. foot value of abutting property. The applicant did this but added proportionality by calculating a weighted average sq. ft. value. The PC shall determine if using a weighted formula is acceptable.

- Open Space and Recreation Space Location and Design:

The applicant submitted a another revised open space plan that replaces the previous ones in the record (Exhibit I) This proposal includes open space provided as:

- 10 ft. wide strip on north & west boundaries to be a "nature" trail, Phases 2, 3, and 4
- Tract A--17,407 sq. ft. parcel in Phase 4 to be recreation
- 5 ft. wide strip on eastern boundary to be "buffer", Phase 4
- Triangular parcel in north eastern corner to be "natural buffer", Phase 4

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- 10' wide internal multi-use paths placed to meet maximum block length criteria, in all phases.

FCC 10-2 defines Open Space as: *“Any publicly or privately owned land that is retained in a substantially natural condition and incorporates an adjacent parkland improved for recreational uses such as, picnicking, nature interpretive trails or multi-use paths. Open spaces may also include seasonal lakes, lands protected as important natural resources such as wetlands or riverine areas, and lands used as buffers when such lands incorporate areas for the design features mentioned above. Open space does not include residential lots or yards, streets or parking areas.”*

FCC 10-23 includes this criterion for open space: *“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.”*

In accordance with code the open space designated areas must either consist of native vegetation or features worthy of preservation, be replanted, or be improved for their intended use in order to count as open space and recreation space. The property was mostly cleared in 2020 and so none of the open space areas are in their natural condition. Many of the spaces are regrowing. The proposal does not include details for improvements to recreation areas or open space areas. The western and northern trail had been conditioned to meet park and recreation construction standards. In order for the entire 10' width to count as recreation area it must either be built in its entirety to those standards or incorporate other amenities such as seating, pet waste stations, exercise stations, landscaping or similar. No improvements are proposed for Tract A. The eastern 5' strip and triangular area are proposed for nature buffer area. Tract A would need to be replanted and/or consist of improvements of some sort. The applicant has been conditioned to provide final open space plans at the filing of final plat with each phase.

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**ALTERNATIVES:**

1. Approve the Planned Unit Development request with conditions of approval, or
2. Approve the Planned Unit Development request with modifications to the findings and/or conditions of approval, or
3. Recommend denial based on the Commissions' findings and request the findings and resolution be revised stating how the application does not meet code criteria.

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**RECOMMENDATION:** Option 1

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

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**ATTACHMENTS:**

- Revised Proposed Resolution, 5-23-23
  - Revised Proposed Findings of Fact, 5-23-23
  - Memo from the Applicant's consultant Metro Planning
  - Revised Exhibts H & I
  - Testimony received from the public and the applicant
  - Resolution listed exhibits can be found on the webpage links for this meeting
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