

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

Meeting Date: December 12, 2023 **Planner:** Clare Kurth & Wendy FarleyCampbell
Application: PC 23 25 PUD 01: Myrtle Glen PUD

I. PROPOSAL DESCRIPTION

Proposal: A request to review and approve the Myrtle Glen final PUD application.

Applicants: William Johnson Construction Inc.

Representative: Hailey Sheldon, Sheldon Planning

Property Owner: David J Bielenberg

Location: Map Reference 18-12-22-11, Tax Lot 1200 and 200
North west and west of the intersection of 37th Street and Oak Street.

Comprehensive Plan Map Designation: High Density Residential

Zone Map Classification: High Density Residential

Surrounding Land Use/Zoning

Site: undeveloped / High Density Residential (HDR)

North: Single Unit Dwellings (SUDs), Detached / HDR

South: Undeveloped & SUDs, Detached / HDR

East: SUDs, Detached / HDR and Highway District

West: High-Intensity Recreation – Golf Course cart shed and city water tanks / HDR and Open Space

Streets/ Classification:

North – none ; East – Oak Street / Collector ; South – 37th Street / undeveloped ; West - none

II. NARRATIVE

Tentative PUD and subdivision for the proposed Myrtle Glen Subdivision was approved by the Florence Planning Commission June 22, 2023. This proposal is for a 25-unit subdivision consisting of 7 buildings, 5 of which are proposed to be four attached housing units and the other 2 buildings are proposed to be three attached housing units. These are attached single-unit dwellings that will each be on an individual lot. In addition to platting the dwelling units the 37th Street ROW is proposed to be platted and constructed to local street standards with sidewalks and stormwater facilities on both sides of the street. This development also includes an on-site parking lot that adds an additional 13 parking spaces.

The tentative subdivision and preliminary PUD review criteria for this project were reviewed under Resolution PC 22 21 PUD 01, PC 22 23 SUB02, and SR 22 48 SIR 13. These Findings of Fact will review the Final PUD application against FCC 10-23 criteria

related to final PUD application and against the Conditions of Approvals from Resolution PC 22 21 PUD 01, PC 22 23 SUB02, and SR 22 48 SIR 13 as they relate to the final PUD portion of this development project only.

III. REFERRALS

Referrals:

The Final PUD application including Stormwater Management Report & Calculations, civil plans, architectural plans, and applicant narratives were sent to the City of Florence Public Works on September 11, 2023 for review and comment. At the time of the writing of these Findings comments were not received by the City Community Development Department.

Other agency referrals were sent during the preliminary PUD review and comments were reviewed during that process and conditioned as necessary in Resolution PC 22 21 PUD 01, PC 22 23 SUB02, and SR 22 48 SIR 13. As these comments have previously been reviewed and conditioned as necessary additional referrals were not deemed necessary to send.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code:

Title 10: Zoning Regulations

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

Chapter 3: Off-Street Parking, Section 3, 4, 5, 8, 9, & 10

Chapter 10: Residential Districts, Sections 2, 4, 5, & 7

Chapter 23: Planned Unit Development, Sections 2, 4, 5, 6, & 11 through 14

Chapter 34: Landscaping, Section 2 through 5

Chapter 35: Access and Circulation, Sections 2 through 3

Chapter 36: Public Facilities, Sections 2 through 9

Chapter 37: Lighting, Sections 2, 3, 4B, & 5R

Title 9: Utilities

Chapter 5: Stormwater Management, Sections 1 through 7

Resolution PC 22 21 PUD 01 – Myrtle Glen, Preliminary PUD—Conditions of Approval

V. FINDINGS

The criteria are listed in **bold** followed by the findings of fact.

FLORENCE CITY CODE- TITLE 10: CHAPTER 23 PLANNED UNIT DEVELOPMENTS (PUD)

Portions of Sections 4 and 5 below are added for ease of reference when reviewing open space findings.

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

.....

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.

.....

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

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

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

- G.** **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 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.
- 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.

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.
4. The following areas are not acceptable for recreation area required as part of a PUD: (Ord. No. 2, Series 2011)
 - a. Hillsides over twenty-five (25) percent slope;
 - 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.

10-23-11: APPROVAL OF THE FINAL DEVELOPMENT PLAN:

1. Within one year following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final form the information required in the preliminary plan. The Planning Commission may grant a one-time extension of one (1) year maximum duration based on compliance with the following criteria:
 - a. The request for an extension is made in writing prior to the expiration of the original approval.
 - b. There are special or unusual circumstances that exist which warrant an extension.
 - c. No material changes of surrounding land uses or zoning has occurred.

The planning Commission may deny the request for an extension if new land use regulations have been adopted that affect the applicant's proposal.

Preliminary PUD approval was granted June 26, 2023 and the applicant filed the application for final PUD on August 29, 2023. Criterion met.

2. **Final development plans shall include plans for proposed:**
 - a. **Storm drainage.**
 - b. **Sewer and water utilities.**
 - c. **Streets, pedestrian ways, trails and paths.**
 - d. **Preliminary subdivision plan, if property is proposed to be divided.**
 - e. **Open Space and Parklands to be dedicated to the public or held in Homeowner Association ownership. (Ord. No. 2, Series 2011)**
3. **Plans for public improvements shall be prepared by a Registered Engineer and shall be approved by City staff before final approval by the Planning Commission.**
4. **If the Planning Commission finds evidence of a material deviation from the preliminary development plan, the Planning Commission shall advise the applicant to submit an application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application.**

The application included engineered and stamped plans for public and private improvements for stormwater, utilities, and streets. The application included plans for open space to be held in HOA ownership. The application does not include final subdivision plat review. Criteria met.

10-23-12: ADHERENCE TO APPROVED PLAN: The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

1. **The use of the land and the construction, modification or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.**
2. **An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in condition that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.**
3. **No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the planned unit development.**

This criterion is for reference and is not applicable at this time. However, in as much as the findings accept and regulate architectural and open space proposals. those decisions are monumented under these findings and are required to followed in perpetuity unless a revision is sought by the HOA and granted by the Planning Commission.

10-23-13: GUARANTEE OF PERFORMANCE: For public improvements, the City may require that a cash deposit, surety bond or other similar guarantee be posted to insure

the full and faithful performance by the parties involved, not to exceed a period of two years after required improvements are completed.

If the applicant requests final plat signing prior to installation of all public improvements then a bond or similar will be required. (Informational)

10-23-14: EXPIRATION OF APPROVAL FOR A PUD:

- A. If the PUD includes creation of a subdivision, and approval of the subdivision has expired or is rejected as provided in Chapter 11-4 of this Code, the PUD approval is revoked as of the expiration or rejection date for the proposed subdivision.**
- B. If substantial construction or development of the PUD has not occurred in accordance with the approved final development schedule, said approval shall lapse at 18 months from the date of approval and shall no longer be in effect. The Planning Commission may, upon showing of good cause by applicant, extend approval for a period not to exceed 18 months.**

The final subdivision plat is required to be completed by June of 2025, unless an extension is sought by the applicant and granted by the city. If this occurs the applicant should request an extension of the PUD for the 18 months offered.

RESOLUTION PC 22 21 PUD, PC 22 23 SUB 02, and SR 22 48 SIR 13

- 1. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.**
- 2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval.**
- 3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.**

FCC 10-3:

- 4.1 The shared/common parking area shall meet grading requirements so as not to drain stormwater over public ROWs. Parking lot surfacing shall not encroach upon public ROWs. This shall be in accordance with FCC 10-3-8-C. This shall be included on a detailed parking lot plan prior to or in conjunction with first building**

permits and subject to Public Works and Community Development Department approval.

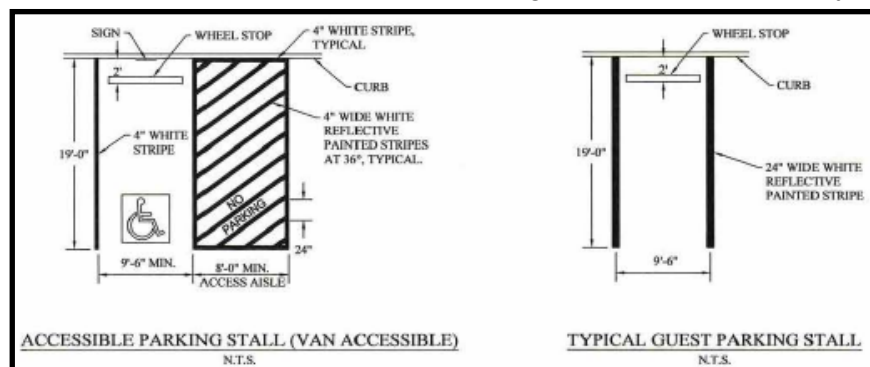
Attachment 1, Sheet C6 (Exhibit C) labeled *Overall Site Grading Plan and Cross Sections* illustrates the site will be graded to direct the flow of stormwater into the stormwater facilities and not over public ROWs. This plan does not indicate that any proposed parking lot surfacing will encroach on to public ROWs. This Condition is satisfied.

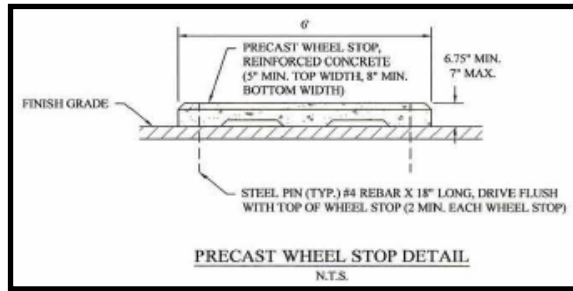
4.2 Parking spaces shall be screened with evergreen shrubs that reach a minimum 36 inches in height above parking lot grade level at maturity so that headlights do not shine onto adjacent residential uses and zones in accordance with FCC 10-3-8-D and FCC 10-34-3-7. Stormwater facility plantings in the 37th St ROW may meet this screening requirement or this requirement may be met through fencing installed between parking spaces and sidewalk/PUE. The screening plan shall be included in the final landscaping/stormwater facility planting with a proposed schedule of planting at final PUD.

Details of the planting areas abutting the parking area that will screen headlights from the parking lot are included on Attachment 3, Sheets L2 and L3 (Exhibit 3). These planting areas abutting the parking are proposed to be planted with Escallonia from 3 / 5-gallon containers. According to the [Tree and Plant List for the City of Florence](#) these plants reach a height and diameter of 5 feet, are evergreen plants, and are the recommended planting size. These plants meet and the landscaping plans for these areas are in compliance with FCC 10-3-8-D, FCC 10-34-3-7, and meet the requirements of this Condition. Note this five-foot screening area is located within a five-foot PUE easement and has multiple waste water and water service lines extending perpendicular through it. Any damage of the landscape buffer resulting from the repair or replacement of any utilities shall result in a replacement of the buffer by the HOA with the same species in 3 or 5-gallon containers. Effort should be made to preserve the buffer species for replanting prior to performing any work on the utilities. This Condition is satisfied.

4.3 The shared/common parking area shall be in compliance with FCC 10-3-8-E. A curb or wheel stop of not less than 6 inches shall be installed abutting streets and interior lot lines to prevent encroachment onto adjacent private property, public walkways, sidewalks, or minimum landscaped area required in accordance with FCC 10-3-8-E2.

Attachment 1, Sheet C9 (Exhibit C) includes details of the precast wheel stop details. The wheel stops details state they will be 6.75" minimum and 7" in height maximum and are proposed to be placed 2 ft. from the end of the parking stall. The wheel stops as proposed are anticipated to be sufficient at prevent encroachment into landscaping or pedestrian walkway. This Condition is satisfied.

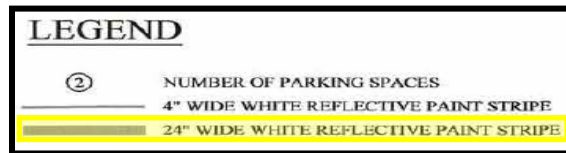




4.4 A complete parking lot plan in accordance with FCC 10-3-8 K and FCC 10-3-8-L shall be submitted prior to or in conjunction with final PUD shall include the following items not previously submitted:

- **Curb cut dimensions**
Attachment 1, civil plans (Exhibit C). Dimensions meet requirements.
- **Dimensions, continuity, and substance of screening**
Attachment 3, Sheets L2 and L3 of the landscaping plans (Exhibit E).
- **Grading, drainage, surfacing, and sub grading details**
Attachment 1, Sheet 6 meets this requirement (Exhibit C).
- **Specifications for signs, bumper guards, and curbs**
Attachment 1, Sheet C9 (Exhibit C) and discussed under Condition 4.3
- **Each Space shall have double line striping with two feet wide on center**

Applicant narrative states that this is satisfied on Attachment 1, Sheet C9 (Exhibit C). This sheet includes details for a 24" wide white reflective paint stripe, appearing to propose a single stripe rather than double lined as required by the Condition or in accordance with FCC 10-3-9-B.



- **The width of any striping line in an approved parking area shall be a minimum 4" wide**
Included on Attachment 1, Sheet C9

Summary: This condition has been satisfied with the civil plans included in Attachment 1, with the exception of the required double lined striping for each parking space. This was likely an oversight or error that had the intention of meeting all above criteria. A revised site plan indicating required 4" line striping that is 2' wide on center shall be submitted to the City Community Development Department prior to, or in conjunction with building permits as required in accordance with FCC 10-3-9. The double line striping shall be confirmed during onsite inspections prior to Certificate of Occupancy of the first building grouping (**Condition 1**). This Condition has been conditioned to be met.

4.5 In accordance with FCC 10-37-4 the City shall have a 30-day review period starting the day following the final Certificate of Occupancy to evaluate and request

adjustments to illumination levels based on staff inspections and public comments. The application shall be permitted to have decreased illumination levels onsite of 1-foot candles versus 2 required in FCC 10-37-4-B.

In accordance with this Condition of Approval, the City shall have a 30-day review period following the final Certificate of Occupancy to evaluate illumination levels on site. This Condition is not being reviewed, or applicable in these findings.

FCC 10-7:

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

This shall be review at time building permit submittal or final subdivision plat. This Condition is not applicable to this review process.

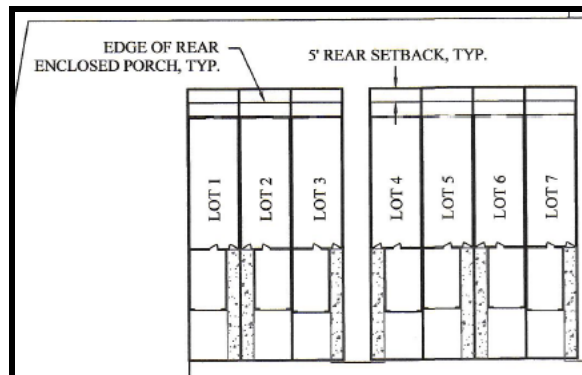
FCC 10-10:

6.1 Based on FCC 10-2-13 definitions of front lot line, the front lot line for lots 23, 24, and 25 is considered the lot line adjacent to Oak St. Therefore, the maximum fence height along Oak St shall be 4 feet in height in accordance with FCC 10-34-5.

No fences are proposed with this final PUD. The front lot line has been established as the lot line along Oak St. Therefore, any future fences proposed shall be limited to a maximum of 4 feet in accordance with FCC 10-34-5.

6.2 The applicant shall provide a minimum 5-foot rear yard setback for each individual lot in compliance with FCC 10-10-4-D.

Attachment 1, Sheet G1 (Exhibit C) indicated the minimum 5-foot rear yard setback for each individual lot in compliance with FCC 10-10-4-D. This Condition is satisfied.

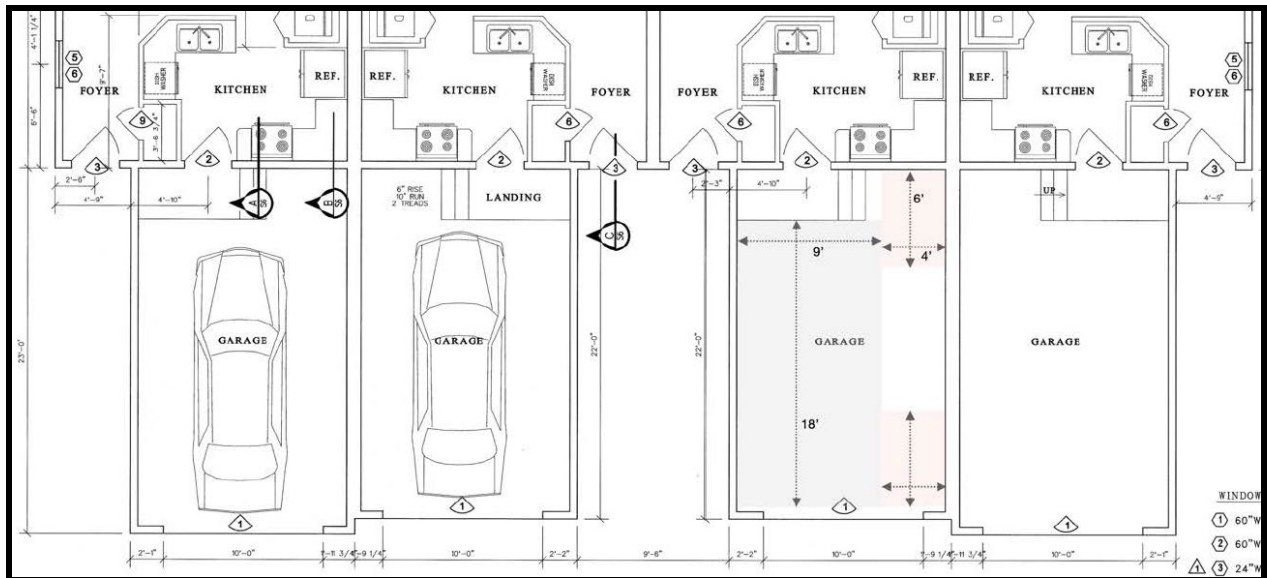


6.3 The garage and driveway parking stalls shall be maintained as vehicular parking for the use of the single-family attached units and not be converted to another use.

Garages and driveways as proposed appear to be reserved for vehicle parking for the use of the single-unit attached dwellings (previously referred to as single-family attached units prior to the July 2023 housing code updates). This Condition appears to be met, but shall be the ongoing responsibility of individual property owners and the HOA to ensure compliance. This Condition not applicable to this review.

6.4 The applicant shall either provide long term bike parking that meets criteria in accordance with FCC 10-3-10-C or the applicant shall provide other long term bicycle parking onsite in accordance with FCC 10-3-10, this required long-term bicycle parking may either be located on individual sites or in common space. Long term bike parking will be verified prior to Certificate of Occupancy of each unit if provided on the individual lots, or with final PUD if provided in common or open space.

The applicant has provided sufficient evidence that there is adequate space within the interior of the garage to accommodate the parking of a standard sized car and the minimum clearance distance of 4 feet from the wall to the vehicle in accordance with FCC 10-3-10-C and this Condition. Please see the dimensioned image below from page 2 of Exhibit G. It further illustrates the available area from the 4-unit garage dimensions provided on Sheet S2 of Exhibit D-Attachment 2. The 3-unit garage dimensions are provided on Sheet S2 of Exhibit H-Attachment 5 and are a few inches narrower but meet the intent. This Condition is satisfied.



6.5 Long term bike parking may count towards recreation space requirements of Conditions 7.6 if provided in common or open space on the project site all criteria of FCC 10-3-10 shall be met including, but not limited to location and design, visibility and security, and lighting. If proposed, the long-term parking plan shall be submitted with to final PUD.

Long term bike parking is being proposed on individual sites as stated in the applicant narrative on page 7 of 22 (Exhibit B). Therefore, long-term bike parking is not being requested to count towards a portion of the recreation space requirement under Condition 7.6. This Condition is not applicable.

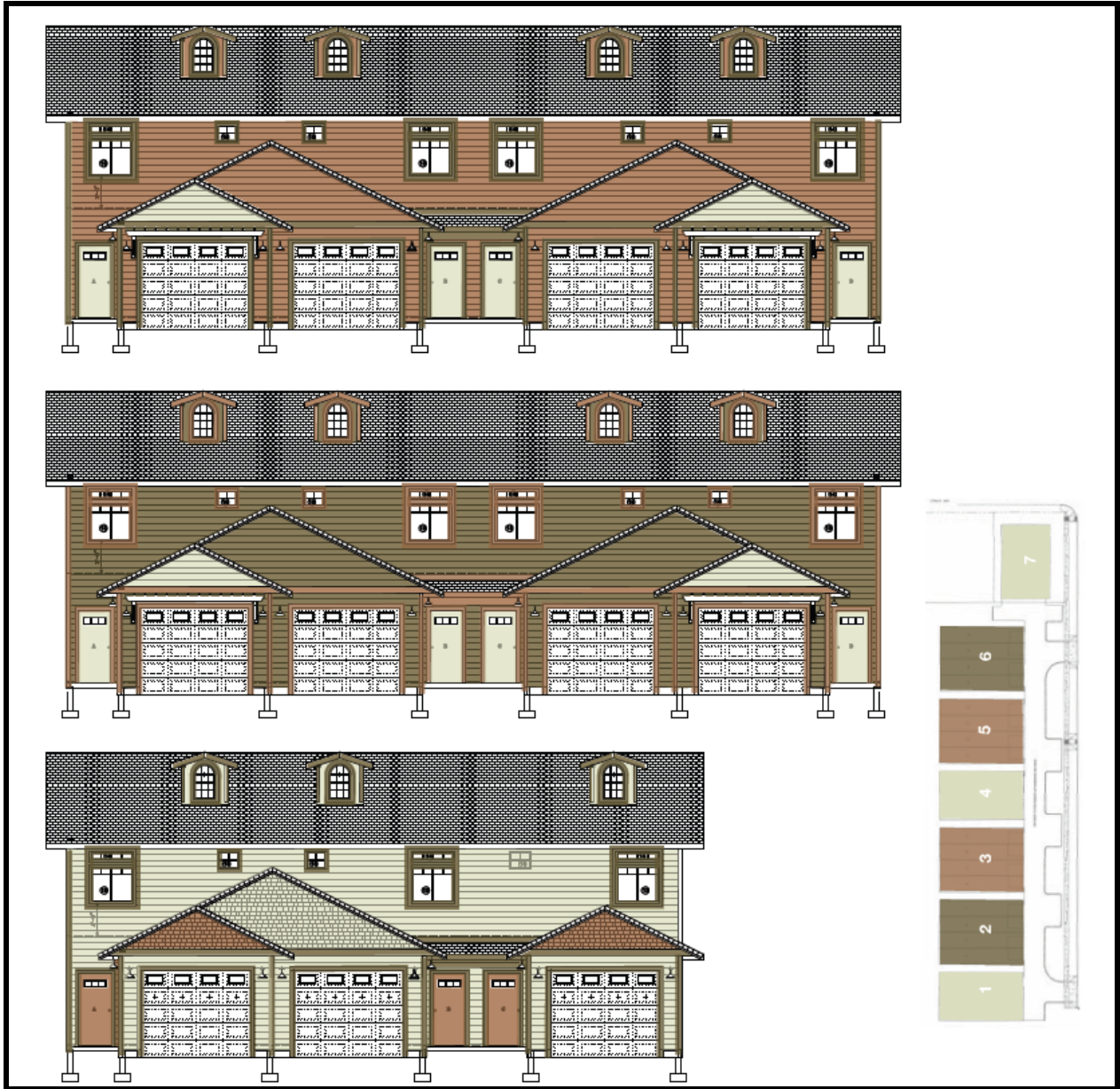
FCC 10-23:

7.1. FCC 10-23-5-H-1 states high quality building design using Old Town and Mainstreet Architectural Standards or better. Different building facades and exterior design shall be used for each building grouping that meet the intent of FCC 10-6-6. This is to include but is not limited to a diversity of building materials and colors, window designs, garage door designs, roof eaves, light fixtures, driveway paving design/colors, and similar details etc. This shall be reviewed at final PUD.

In accordance with FCC 10-23-5-H-1 buildings in a PUD shall be of high-quality building design using Old Town and Mainstreet Architectural Standards or better. The Planning Commission approved Condition 7.1 as an alternative to requiring Old Town and Mainstreet Architecture or better. It requires different building facades and exterior design to be for each building grouping in order to meet the intent of [FCC 10-6-6](#) which regulates downtown and mainstreet architectural design.

The proposed building designs include three color arrangements from a pallet of three colors-green, brown and tan. The three sets of three-unit buildings are proposed to have a base of tan paint while the four four-unit buildings are proposed to have green and brown bases (2 each). Each of the three-color arrangements alternate as seen in Attachment 6 (below) (Exhibit 1).

Façade changes are proposed as a variation in gable siding on the four-unit buildings (horizontal lap siding) and the three-unit buildings (shingle pattern siding). The shingle pattern siding shall be used on the four-unit building garage gables rather than the three-unit buildings to better break up the proposed long uninterrupted expanse (two sets of 150 ft.) of the same building style using horizontal lap siding (**Condition 2**). Please see the image below from Attachment 6:



The applicant addresses Condition 7.1 on their response to the notice of incompleteness (NOIC) on pages 2 through 8 (Exhibit G). The narrative includes extensive detail on the variation in types of windows, variations in roof lines, projection of garages, and diversity of roof eaves. However, these variations and diversity in materials proposed are specific to each individual unit and are not a diversity from each building cluster as required by this condition. So the result is that there is one overall building design being replicated seven times. The differences are three color palettes for seven buildings and shingle-style roof gables used on three of the seven buildings. Sixteen of the 25 units have no variation in building materials. And the color variation for the 25 units is divided roughly even with 8 units each have green or brown base paint and 9 having tan.

The definition of façade should also be considered. According to *Webster's Third New International Dictionary of the English Language, Unabridged*, which shall be considered a standard reference in accordance with FCC 10-2-23 the definition for façade is:

The front of a building. A face of a building that is given emphasis by special architectural treatment.

The significance of this definition, as it relates to Condition 7.1 is the alternating paint configurations may meet the conditions requirement for different exterior design. The color does not meet the criteria for different building facades. There are two considerations for the coloration proposed as it relates to exterior design;

1. Using variations in color for primary and secondary colors are not permanent and therefore shall be the on-going requirement of the HOA to maintain a variation in colors from one building grouping to the next. Colors shall not be required to remain the same, but a similar variation in alternating colors shall be maintained for the life of the buildings. This shall either be a Condition of Approval stipulated by the Planning Commission., or
2. The variation in paint colors should be approved as meeting color palette requirements in accordance with FCC 10-6-6-4-G, but denied as a variation in exterior designs on the basis that this will require continued monitoring and enforcement by the City. Therefore, exterior designs that apply to the requirements of this Condition shall be clarified as permanent architecture details.

The proposed variation in garage gable siding pattern meets the criteria for different building facades. This is the only proposed variation in building facades that meets the criteria of this condition. It should also be noted that the resolution does not define the number of variations required for different building groupings. However, the use of facades, plural, indicates a minimum of two variations is required per each building grouping. This is interpreted to mean each individual building grouping shall have different facades rather than different facades for three-unit buildings and four-unit buildings. The Planning Commission is tasks with clarifying the interpretation on this matter.

Considerations for this Condition are:

1. The narrative statement in both the application and the response to the NOIC has been detailed and sufficiently demonstrated quality building materials are proposed to be used, both as primary and secondary building materials.
2. The response to the NOIC includes a spreadsheet to illustrate in detail how the “overwhelming majority of Old Town and Mainstreet architectural standards”
 - It is determined that meeting the “overwhelming majority” is neither meeting, nor exceeding Old Town and Mainstreet architectural standards.
 - This condition was written as an alternative to requiring Old Town and Mainstreet Architecture or better. Therefore, this Condition must be met which includes different building facades and exterior designs for each building grouping, unless Condition 1 is invoked by the applicant and a request is sought.

3. This condition specifies that *“Different building facades and exterior design shall be used for each building grouping that meet the intent of FCC 10-6-6”* Examples of architectural details that may vary are provided, but no specification was included in the minimum number of architectural changes between each building grouping. As previously discussed, the condition using the word facades, plural, indicates a minimum of two variations for each grouping of buildings.
 - The applicant narrative explains in significant detail the difference in architectural details on the individual dwelling units rather than the required variation of each building grouping. This Condition specifies that there shall be different building facades and exterior designs for each building group that meets the intent of FCC 10-6-6. The variation on individual units does not meet the intent of requirement of this Condition
 - The variation of garage gable siding patterns between the four-unit buildings and three-unit buildings, as the only architectural detail variation, does not meet the intent of this Condition or this Condition as written.
 - Is each individual building required to have a variation in facades or does variation in facades from the three-unit building and the four-unit buildings, as proposed, meet the intent of this condition?

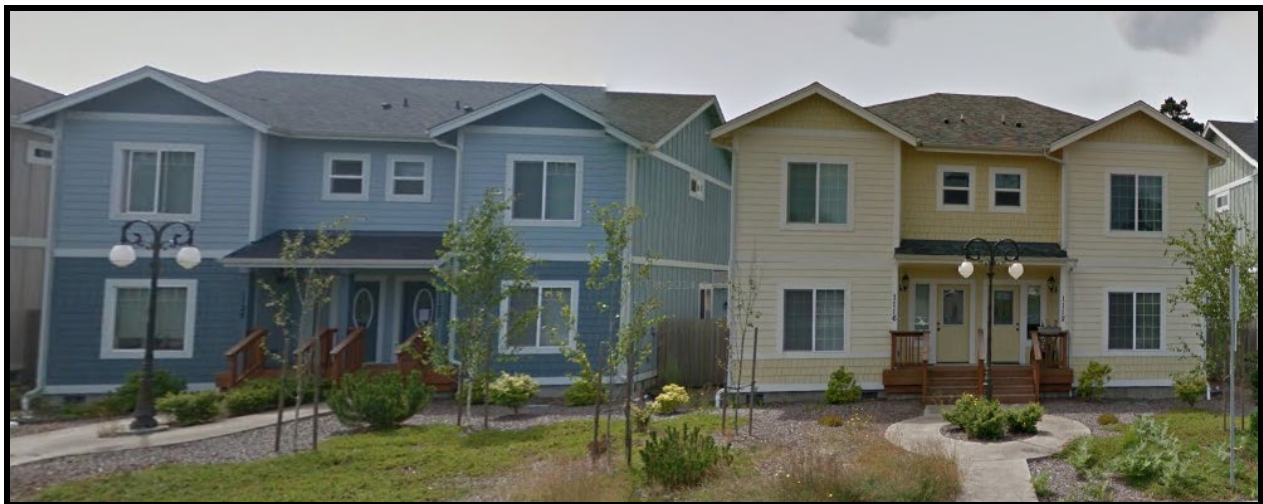
4. The only architectural change between each type of building grouping is the gable siding being a shingle pattern on the three-unit buildings and horizontal lap siding on the four-unit buildings.
 - As previously Conditioned, the shingle pattern siding shall be used on the four-unit buildings rather than three-unit buildings to better break up long expanses of horizontal siding.
 - The variation in garage gable siding of shingle pattern and horizontal pattern does count towards one variation in façade for the building groupings.

5. FCC 10-6-6-3-C-3 states that *“Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.”* One of the two design elements proposed to change between building groupings is the paint color variation.
 - This code section was included to demonstrate that a precedent has been set in code that changes in paint colors do not meet the requirement for permanent architectural features
 - Does the alternating color pallet meet the intent of this Condition?
 - Was the intent of this Condition to require permanent architecture differences between each grouping of building?
 - If the paint color is accepted as a variation in exterior design, should it be conditioned to be maintained for the life of the structures

Summary: The condition did not specify which or number of façade and exterior design elements to use in order to provide flexibility to the applicant. The applicant came back with an alternating use of color palette and shingle roof gables. The colors proposed are complimentary to each other and offer an appearance of variation. The only architectural variation between building groupings is the garage gable siding. The specific number of variations to use for building groupings was not defined and should this architectural design not be approved then the number of variations should be specified for clarity. Staff pointed out the lack of variation in facades and exterior design in the NOIC mailed on September 27, 2023 as it related to this Condition. Additional specification should be stipulated by the Planning Commission to ensure compliance with minimum variations to meet the intent of this Condition (i.e., how many building groupings may use the same garage doors or front doors, require window variations on each building grouping vs the proposed variety of window style on an individual unit, require variation in covered entrances on each building grouping, as examples).

Below is an image of duplex units on 9th St. In this 2012 Google Street View image several differences can be observed. Some of the differences between these buildings include the front doors, paved walkway design, varying roof lines, different window panels, variation in siding in more locations than the gable, and front porch designs.

This image is provided as an example of details that can be varied from one building unit to another, this is not meant to be prescriptive to the Myrtle Glen PUD.



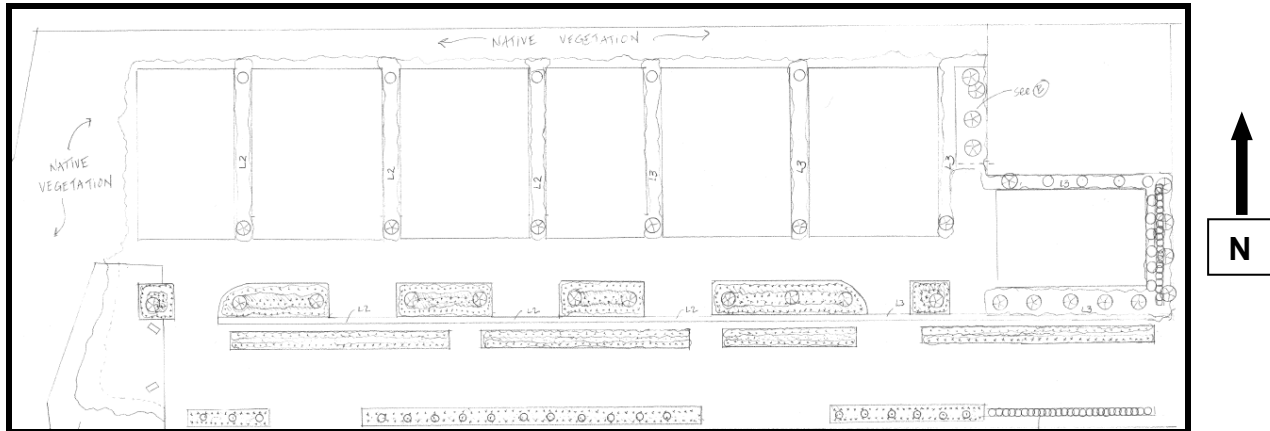
7.2 The applicant shall submit a final grading plan illustrating all cuts and fills and final 1 ft. contours and grades to the edges of the development on all sides prior to final PUD.

Attachment 1, Sheet C6 (Exhibit C) illustrate all cuts and fill and final 1 ft. contours and grades to the edges of the development. This Condition has been satisfied.

7.3 With final PUD application a landscape and vegetation retention plan shall be submitted for the entire development. The buffer to the north shall include trees and shrubs planted or retained at a ratio of at least one tree per 30 ft. The Oak St. frontage and the 37th St. frontage adjacent to unit 25 shall include landscaping consisting of at least one tree for every 30 feet of frontage.

Northern Buffer: Landscaping and vegetation retention plans have been submitted as part of this application as required by this Condition. The applicant has included a statement on page 6 of 8 in the response to the NOIC (Exhibit G) that states “Attachment 3 Landscaping Plan satisfies this condition. As depicted on the plans and explained in the application narrative: the northern vegetative buffer is proposed to remain in place. This buffer area is approximately 5 feet deep, 650 feet long, and densely vegetated. Given all trees and shrubs are proposed to remain within this buffer, trees and shrubs will be retained at a ratio of at least one tree per 30 feet.”

Below is a snip from Attachment 3, Sheet L1 (Exhibit E).



Native vegetation buffer has not been inventoried to confirm that trees on this northern buffer meet the minimum 1 tree per 30 linear feet, or a minimum of 22 trees retained along the northern buffer ($650/30=21.6$ – rounded up 22 trees are required to be retained). It is anticipated that the minimum number of required trees will be retained based on the applicant statements. However, the applicant shall submit an inventory of trees to satisfy this condition. In accordance with FCC 10-34-3-8, any required trees on the northern buffer that dies, falls, or is damaged during construction or at any time after development shall be replaced with an equivalent specimen within 6 months of dying or removal, whichever comes first (**Condition 3**).

37th Street and Oak Street: 16 trees are proposed along the 37th Street ROW and 16 trees are required. The street frontage along the 37th Street frontage is dimensioned at 476.77 as seen on Attachment 1 Sheet G5.

- $476.77 / 30 = 15.89$ – rounded up, 16 trees are required

3 trees along the Oak Street ROW are proposed and 3 trees are required. The street frontage along the Oak Street ROW is dimensioned at 85.04 feet as seen on Attachment 1, Sheet G5.

- $85.04 / 30 = 2.83$ – rounded up, 3 trees are required

Summary: This Condition is satisfied as it relates to minimum tree counts along 37th Street and Oak Street frontages.

This Condition is anticipated to be satisfied, but sufficient evidence has not been submitted along the northern property buffer.

Additional details shall be submitted in the form of an inventory of trees retained in the vegetated buffer on the north of this property that buffers the Nandia subdivision (**Condition 4**). This Condition has been conditioned to be met.

7.4 The corrections for utilities and accesses, as stated by SVFR Chief and Public Works, shall be addressed and provided in a revised utility and access plans submitted for review and approval with Final PUD submittal

Corrections for utilities and access have been addressed and provided in revised utility and access plans as seen on Attachment 1. This Condition is satisfied.

7.5 The final stormwater management plan shall be submitted for review and approval with Final PUD submittal. It shall include treatment and conveyance systems that meet city design typicals and it shall include consideration of capacity of existing system and an increase in detention pipe size as needed.

Attachment 4 (Exhibit F) of the application included a Stormwater Management Report Supplemental; Final Stormwater Systems Calculations that was stamped by a registered Professional Engineer. The civils includes profiles of the proposed street sections. The systems seem to be between 12" and 18" deep but the exact widths could not be determined. The landscaping plans submitted as Attachment 3 include the proposed plantings for each of the storm systems both on and off site. Both the sizes and spacing are proposed but the stormwater typical detail numbers from the Stormwater Design Manual are not called out. Regardless of any inconsistencies between city standards and proposed plans it is presumed that the storm systems will be dimensioned, planted and constructed in accordance with SW-120, 130 & 140 and SW 301 & 311 with the requisite other green street typicals for incorporating infrastructure. (Informational)

7.6 Open space shall be calculated using FCC 10-23-5-E criteria at 20% of the net development area and at least 25% of the 20% shall include area(s) designated and intended for recreation. As modifications are being requested to the development standards of the underlying zone, the recreation plan submitted at final PUD shall include more than the minimum required recreation area in accordance with FCC 10-23-5-H3 & 4. Due to the topographical constraints present on the site, exceeding minimum recreation requirements by may be provided through quality of amenities rather than increased square footage beyond minimum requirements, pending Planning Commission review and approval at final PUD.

Open space was conditioned by Planning Commission to be calculated at 20% of the net development area and at least 25% of the 20% shall include areas designated and intended for recreation in accordance with FCC 10-23-5. The minimum square footage of open space and recreational open space has been satisfied based on the submitted application materials, but there are multiple criteria in this condition that requires review. The break down of Open Space is provided in a table on pg. 8 of 22 in the applicant narrative (Exhibit B), a summary of relevant items are discussed below.

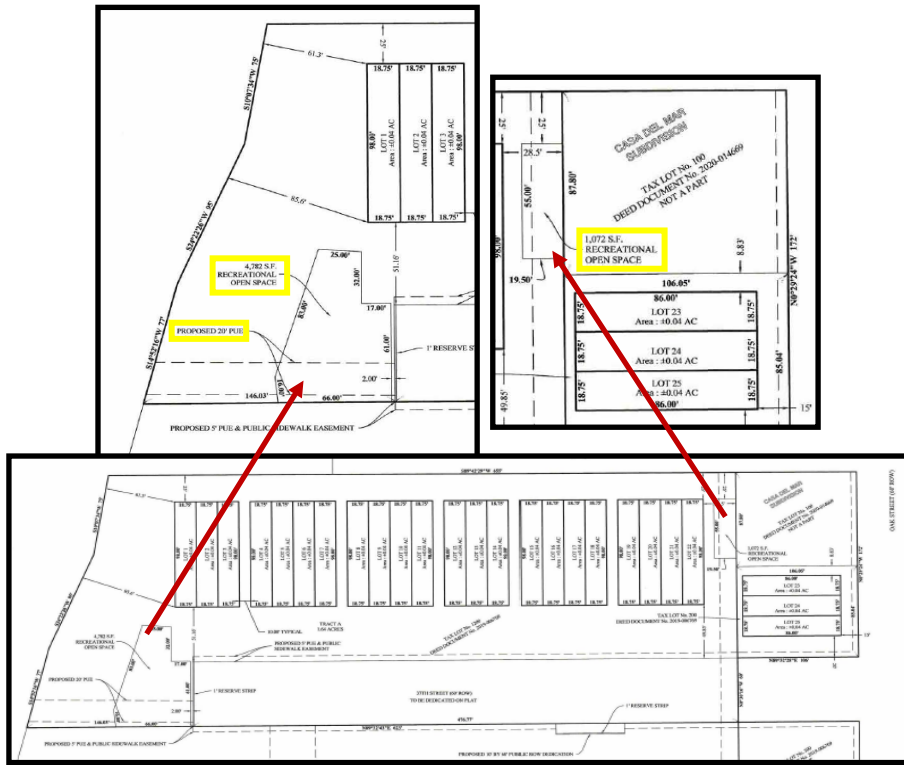
Condition 7.6 Criteria to Consider:

- 20% of the net development area shall be open space.
 - $116,667 \text{ net development area} \times .20 = 23,335.4 \text{ sq ft required}$

- 38,754 sq ft is provided. This is 15,418.6 sq ft or 33% more than is required
- 25% of the 20% shall be designated and intended for recreational use.
 - 23,335.4 x .25 = 5,833.85 sq feet of recreational open space is required
 - 5,854 sq ft is provided. This is 20.15 sq ft or .3% more than is required
 - The recreational open space does not have a stated intended use and is not proposed to be developed for a specific intended use.
- The recreation plan shall include more than the minimum required recreation area.
 - 20.15 sq ft or .3% more recreational area is provided than is required.
 - This amount of additional open space does not meet the intent of the Condition.
- Due to the topographical constraints on site recreation requirements may be provided through quality of amenities rather than increased square footage.
 - 2 open spaces are proposed for Open Space
 - Open Space A proposes 2 benches (no details provided) and grass as the amenities.
 - Open Space B proposes 4 shore pines as the only improvement/amenities.
 - Onsite recreational open space requirements are not provided through the quality of amenities.

Discussion on Additional Open Space Concerns and Considerations: Below is an explanation of the proposed open space as it relates to proposed improvements, amenities and long-range concerns for preserving the proposed open space with future development.

According to FCC 10-23-5-G, areas that are not acceptable for recreation area required as part of a PUD include easements. The intent of this statement was to ensure open space and recreation areas were developed to meet their intended use. There is a 20-foot public utility easement on the south portion of proposed Open Space A as seen in Attachment 1, Sheet G5 (Exhibit C). A snip of this area is included next:



A snip of the open space locations shown on the plat is included above. The easement and the location of the easement do not adversely affect the use of the proposed open space for recreational purposes. Therefore, while an easement is present in the open space it is determined that this open space as proposed can meet the open space requirement for minimum square footage as required in FCC 10-23-5.

It is significant to note that the 37th Street ROW is proposed to end with a 1-foot reserve strip and Type 3 barricade per Condition 9.4 (image below) and as seen on Attachment 1, Sheet G7 (Exhibit C). The Type 3 barricade is a Condition of Approval and required by FCC 10-36-2-9, but should be considered under this Condition as it relates to the aesthetics and use of proposed Open Space A. This barricade necessitates additional consideration regarding the amenities provided to ensure Open Space Area A is developed to the intended use and that this intended use is clear to the intended users. This is directly related to the criteria of this condition to provide areas intended for recreation and quality amenities in exchange for additional quantity of open space.

During the June 22, 2023 hearing an image of an alternative turnaround was shown to the Planning Commission with an applicant explanation that 37th Street may be developed and connect to 35th Street to the south. This is significant as extending 37th Street west would eliminate the majority of Open Space A, which is approximately 82% of the recreation Open Space on site.

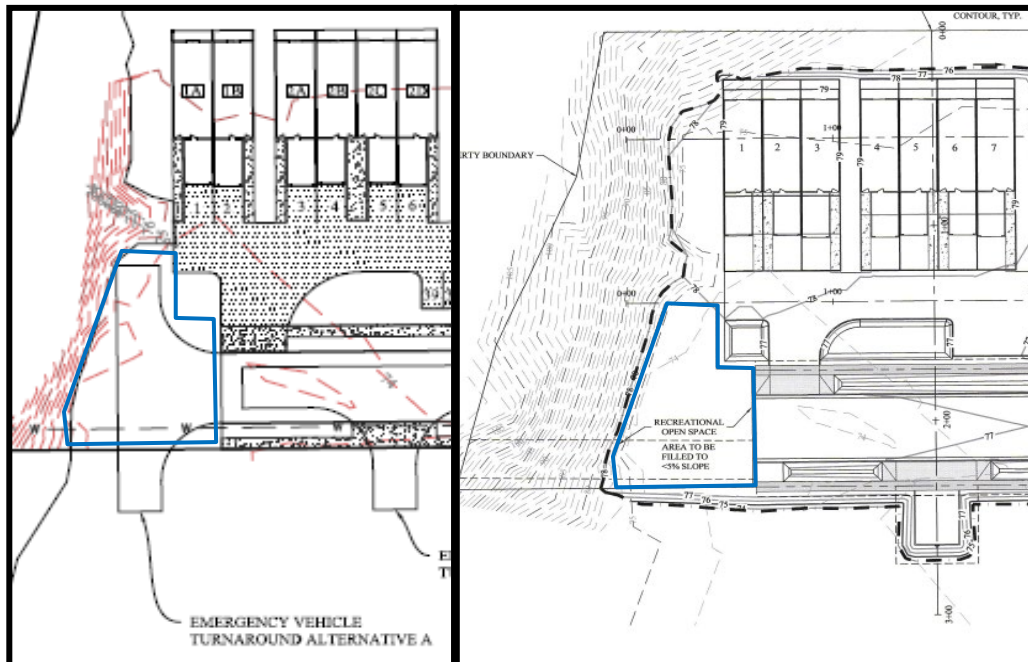
$$4782 \text{ (Open Space A)} / 5834 \text{ (Required Recreational Open Space)} = 0.819 \text{ or } 82\%$$

Therefore, future development of 37th Street to the west would eliminate the majority of the required recreational open space as proposed and will require additional recreational open space to be developed at a later date, or the applicant may pay a fee-in-lieu for the required recreational open space for a park to be developed on the lot to the south at a future date and dedicated to the public.

Minimum open space requirements and minimum recreation open space square footage of this condition are satisfied in the short-term, but long-term preservation of the recreation open space areas required by this Condition is a long-term concern. Requiring a fee-in-lieu would be appropriate for the recreational open space to develop a park area when the property to the south develops. This is an appropriate option to ensure appropriate park space is developed and due to the physical and topographical constraints present on this site.

In summary, the minimum open space and minimum recreational open space requirements have been satisfied. The proposed 20.15 square feet or 0.3% recreational open space above the minimum requirement does not meet the intent of this Condition. Development of open space for an intended recreational use and quality of amenities has not been satisfied and evidence for these requirements has not been submitted as part of this application.

7.7 A tentative concept plan with development amenities for the park area supporting both active and passive recreation shall be submitted with final PUD. Prior to issuance of the building permits for the fifth cluster of units the applicant shall submit and have approved a Final PUD approval for the proposed recreation area that is contained within the existing tax lots associated with this project.

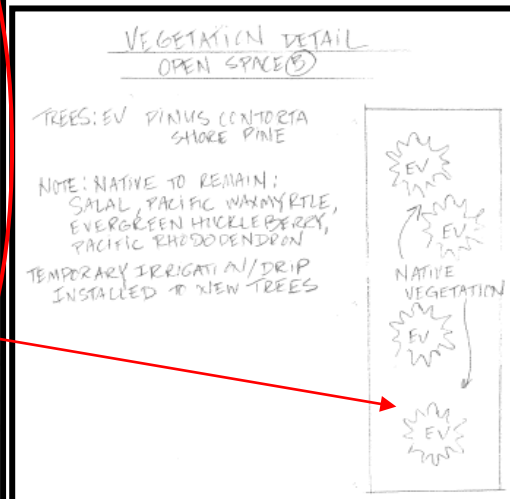
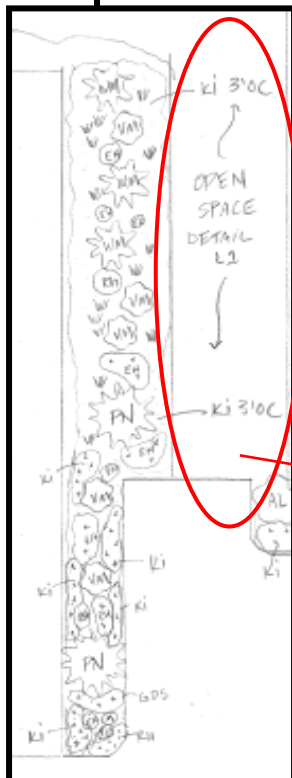
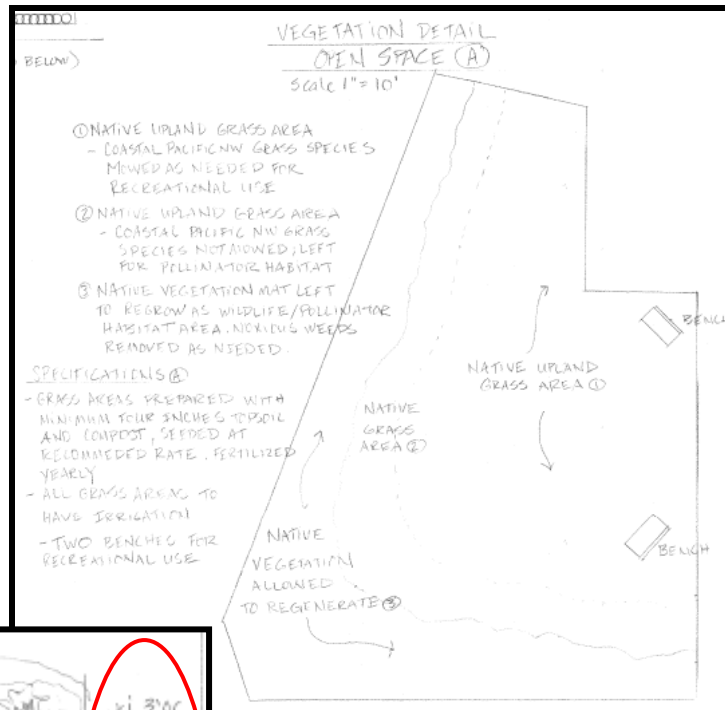


Attachment 3, Sheet L1 (Exhibit E) includes details of Open Space A and Open Space B that are proposed to meet the recreation open space requirement for this project. Both of these recreational open space areas are entirely contained within the tax lots associated with this project. This component of the Condition has been satisfied.

Sufficient evidence has not been submitted in the tentative concept plan that the recreation open space is supporting both active and passive recreation. Below are snips of the two open space areas proposed.

Open Space A: Improved with grass and two benches. No details provided regarding bench design or quality. No information provided regarding recreation need this area is intended to be improved for.

Open Space B: Area is proposed to be planted with new shore pines and existing native vegetation. The area to the west is also landscaped. While the landscaping meets landscaping requirements this also serves as a barrier to access the intended recreation open space B. No intended use is identified for this area. The improvement proposed to this area is the planting of 4 shore pines. Additional amenities are required for this area to be improved to an intended recreational need. In accordance with FCC 10-23-5-G, recreational open space is required to be developed for its intended use and the recreational open space shall meet the needs identified in the [Florence Parks and Recreation Master Plan](#).



A statement in the Addendum to Myrtle Glen PUD Addressing NOIC (Exhibit G) states:

“As described in our application narrative: (1) these recreational (and other) open space areas may be used for dog walking, walking, yoga, and (2) the future HOA may choose to install additional amenities in these spaces, meeting their specific needs.

This proposal is not made to avoid developing recreational amenities.

This proposal is made based on the developers’ experience of residential demand. Lawns are more popular than individual-specific amenities, which go unused and unmaintained.

We find our proposal superior to a proposal to, for example, install a gazebo, playground equipment, barbeque pit. Those amenities (a) require maintenance, (b) complicate landscaping maintenance, (c) tend to go un-used in development which provide individual covered porches and back yards.

If the Planning Commission finds our proposal insufficient, we ask that the Planning Commission stipulate which amenity be developed in the recreational open space areas.”

Based on this condition of approval approved by the City of Florence Planning Commission on June 22, 2023, and the requirement for Open Space requirements under FCC 10-23-5-G it is determined that sufficient information has not been submitted to demonstrated that the open space is planned to be developed for an intended purpose to satisfy a recreational need. FCC 10-23-5-G states:

G. 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 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.

FCC 10-2-13: Definitions defines Recreation Needs as *“Existing and future demand by citizens and visitors for recreation areas, facilities, and opportunities which can contribute to human health, development, and enrichment. (Ord. No. 2, Series 2011)”* Ord. No. 2, Series 2011 adopted the most recent [Florence Parks and Recreation Master Plan](#). Top needs identified by the community are listed in Figure 4.3 Top Recreation Needs Identified by Adult Respondants and Figure 4.4: Top 8 Recreational Needs Identified by Youth Respondents which are found on

page 79 of 104 in the Parks and Recreation Master Plan. Below is a table listing the top 8 responses from each age group, but are not listed in a specific order. The items in *italics* were on the community needs list, but not in the top 8.

| Activity | Adult Respondents | Youth Respondents | May fit Open Space Area A |
|---|--------------------------|--------------------------|----------------------------------|
| Trails | X | X | |
| Dog Parks | X | X | X |
| Open Space | X | | |
| Sport Facilities | X | X | |
| Community Gardens | X | | X |
| Recreation Center | X | X | |
| Swimming Pool | X | X | |
| Contemplation Areas | X | | X |
| Adult Sports League | | X | |
| Splash | | X | |
| Bike Park | | X | |
| <i>Picnicking Area</i> | | | X |
| <i>Bird/Animal ID. Area</i> | | | X |
| <i>Lawn Sports (i.e. Bocce Ball)</i> | | | X |

Staff included the lack of development plans for the recreational open space areas in the notice of incompleteness (NOIC) mailed on September 27, 2023. The response included a revised landscaping plan (snip included above) to Open Space Area A that includes an area improved with grass and 2 benches. Details of the grass proposed were included and satisfy landscaping plan requirements for information provided. No information was submitted regarding the details or quality of the proposed benches. After review it is determined that sufficient details of the open space and how these spaces meet a specific recreation need has not been satisfied.

As previously stated, the response to the NOIC states the if *“the Planning Commission finds our proposal insufficient, we ask the Planning Commission stipulate which amenities be developed in the recreation open space.”* As the proposal is found to be insufficient the Planning Commission is being tasked, at their discretion, to stipulate which amenities shall be provided in the recreation open space as requested by the applicant. The stipulated amenities shall meet a recreation need as defined by City Code and that meets a need identified in the most recent Florence Parks and Recreation Master Plan.

Two items shall be stipulated by the Planning Commission to meet this condition.

1. The recreation need that shall be met with the 2 proposed open space areas
2. The amenities that shall be installed to meet this recreational need.

As proposed Open Space B is 19.5 x 55 feet or 1,072 sq ft and Open Space Area A is proposed to be 4,782 sq ft. The size of these two spaces and their location limits they uses they can be developed for. Open Space Area B is proposed to be planted with 4 shore pine trees with native salal, pacific wax myrtle, evergreen huckleberry, and pacific rhododendron to remain. No recreational improvements are proposed for Open Space B,

As previously discussed, a fee-in-lieu may be the most appropriate alternative to the required open space. This is because the space is limited and constrained by the topographical constraints onsite, additional details of the amenities and the recreation these spaces were intended to be developed to meet was requested in the NOIC which was not produced, and Open Space Area A may be developed as a street if 37th St extends with future development to the south.

As previously stated, sufficient evidence of the quality and details of improvements have not been submitted, with the exception of the landscaping plans indicating proposed grass planting in Open Space A and shore pines planted in Open Space B. No evidence has been submitted to indicate the proposed intended use of these proposed recreational open space areas. The burden to provide evidence to support an application is on the applicant in accordance with FCC 10-1-1-6-3-E-4 which states:

4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.

This condition has not been satisfied and will require Conditions of Approval for meeting this Condition either through improved quality and quantity of amenities or through the condition of a fee-in-lieu.

7.8 The applicant shall submit either an extension request or a Final PUD plan for the townhome development for review and approval within one year of Planning Commission approval of the Preliminary Plan (June 22, 2024). There are many land use regulation changes under consideration that if adopted may affect a request for extension.

This application has been submitted prior to June 22, 2024. This Condition is satisfied.

FCC 10-35:

8.1 A traffic Impact Study (TIS) in accordance with FCC 10-35-2-5 and FCC 10-1-1-4-E is required based on the criteria that the proposed development will have 25 single family dwelling units and that adjacent neighborhoods or other areas may be adversely affected by the proposed development. A TIS shall be completed and submitted to the City for review and approval prior to, or in conjunction with final plat.

This shall be reviewed and assessed prior to or in conjunction with final plat.

8.2 The maximum driveway width allowable under FCC 10-35-2-12-B for driveways serving single-family residences shall not be more than 24 feet shall be a minimum of 18 feet where the driveway provides two-way traffic. Therefore, the two driveway access points proposed on 37th St shall be a maximum of 24 feet in width and a minimum of 18 feet.

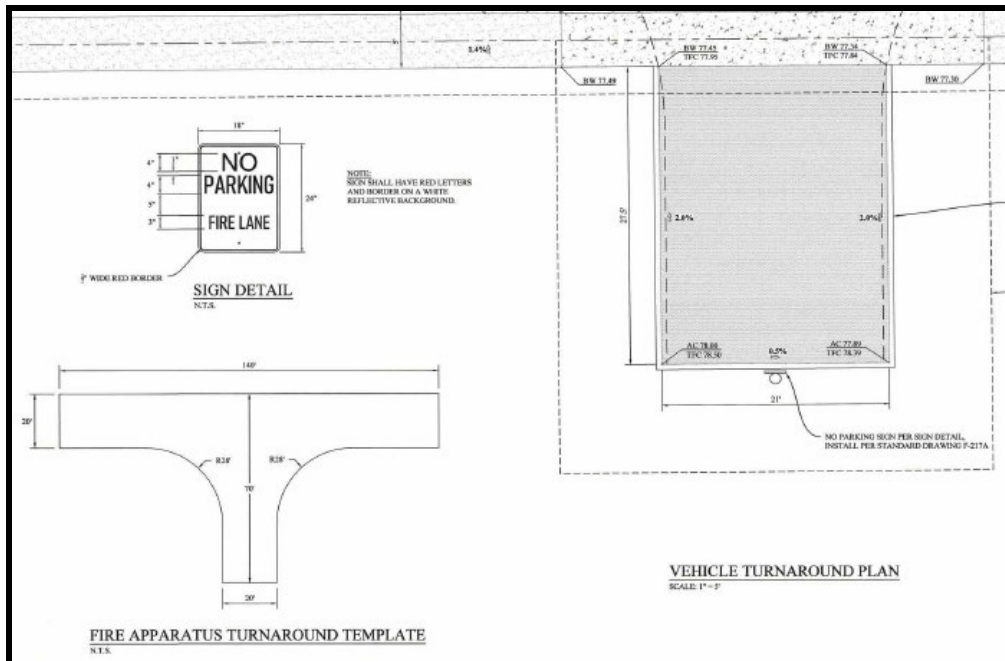
The driveway widths are included on Attachment 1, Sheet C9. These driveway widths are dimensioned at 24 feet in width each. This Condition has been satisfied.

8.3 The East Myrtle Loop stub shall be built to local street standards.

Attachment 1 includes the civil plans for the Myrtle Glen PUD. Sheets C1, C2, C4, C6, C9, and C11 (Exhibit C) support that the East Myrtle Loop stub is proposed to be built to local street standards. This Condition is satisfied.

8.4 The applicant shall provide examples of signs to be installed at any and all fire access lanes or turnarounds in accordance with FCC 10-35-12-D section prior to issuance of building permits and all signs shall be installed and approved by public works prior to issuance of first Certificate of Occupancy. This is intended for fire apparatus and street signage in public ROWs. Condition 4.4 addressed parking signage on private property.

Attachment 1, Sheet C12 (Exhibit C) includes details of the proposed signage and the location for the signs to be installed. This Condition has been satisfied.



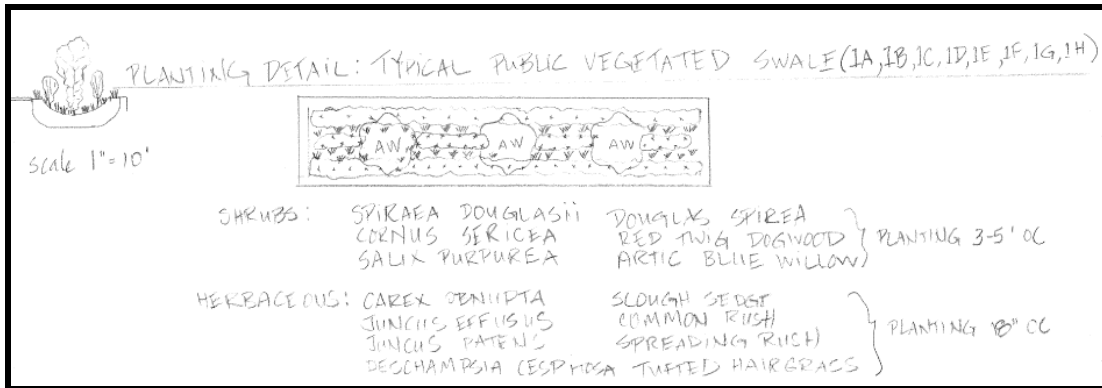
8.5 Certificate of Occupancy for individual units shall not be issued until sidewalks are constructed on the north side of 37th St. and financially secured on the south side of 37th St.

This shall be reviewed and assessed prior to Certificate of Occupancy for each individual unit. This condition is not applicable to this final PUD review.

8.6 Vision clearance at 37th and Oak Street shall be confirmed during building inspection or by staff site visit prior to final approval to ensure compliance with minimum vision clearance.

Below are snips from Attachment 3, Sheet L1 from the landscaping plan (Exhibit E). The top image is of the vegetated swale on the north side of 37th Street at the 37th and Oak Street intersection and the bottom image is of the planting area on the south side of the 37th and Oak

Street intersection. These proposed planting areas use plantings that are not anticipated to interfere with vision clearance. This shall be confirmed during final building inspection as stated in this Condition.



8.7 To meet the vision clearance areas criteria as identified in FCC 10-35-2-14, the HOA shall perpetually maintain landscaping so that vegetation does not grow to obstruct vision clearance areas at internal intersections or intersections with public streets in accordance with FCC 10-35-2-14. This shall be included in the CCRs.

This Condition is not applicable to this final PUD review.

FCC 10-36:

9.1 All landscaping and stormwater facilities adjacent to sidewalks and pedestrian walkways shall be maintained by the HOA to prevent encroachment onto the sidewalks and bicycle areas and ground cover such as rocks or mulch shall be secured to prevent pedestrian hazards in consistency with the 2012 TSP.

This Condition is not applicable to this final PUD review.

9.2 Stormwater facilities in the ROW and PUEs shall be completed and approved by the Public Works Department or financially secured prior to issuance of any Certificates of Occupancies. Any damage caused by unmanaged stormwater prior to completion of the stormwater facilities will be the responsibility of the applicant or their representatives.

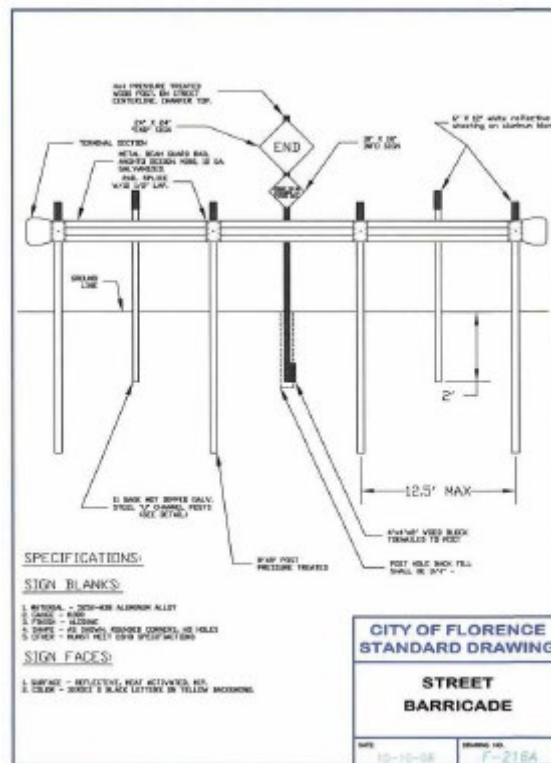
This Condition will be reviewed prior to Certificate of Occupancy. This Condition is not applicable to this final PUD review.

9.3 The proposed emergency vehicle turnaround easement meets current fire codes. However, this shall be a temporary solution and permanent emergency vehicle access shall be developed in conjunction with any development plans on the lot to the south at the expense of the developer of Myrtle Glenn or as agreed upon in writing and submitted to the City by both the Myrtle Glen developer and the developer of the southern property.

This Condition is not applicable to this final PUD review.

9.4 Barricades used for the East Myrtle Loop Street and 37th Street stubs shall be Type III barricades in accordance with FCC 10-36-2-9.

Attachment 1, Sheet G7 includes details of the proposed barricades for use at the East Myrtle Loop and 37th Street stubs that are consistent with the City of Florence standards using F-216A street barricades. This Condition is satisfied.



F-216A - STREET BARRICADE

9.6 Maintenance of the proposed sidewalks shall be the continuing obligation of the adjacent property owner, in the case of this subdivision the responsible party for maintaining these facilities shall be the HOA. In addition to maintaining the sidewalks adjacent to the development, the stormwater facilities, on-site, in the 37th St, or the PUEs shall be maintained by the Myrtle Glenn PUD and shall be stipulated in the CCRs.

This Condition is not applicable to this final PUD review.

- 9.7 In accordance with this FCC 10-36-2-21 the cost of signs required for new development shall be the responsibility of the developer and shall be installed as part of the street system development and shall be installed by developers per City of Florence Standards and Specifications. This shall apply to signs on public property and ROWS. Signage on private property shall be addressed during parking lot review under Condition 4.4.**

Details of street signage were included on Attachment 1, Sheet G8 and include City of Florence Standard Drawing No. F-217b and F-217g to demonstrate the proposed street signs meet City standards. Sheet C9 includes the proposed location of the required street signs. The applicant narrative states that Sheets G8 and C9 satisfy this Condition. The street sign details being included on the civil plans indicates an understanding that this is the responsibility of the developer, although this was not expressly stated. This Condition is Satisfied.

- 9.8 Additional information for mailbox type and location shall be submitted and approved prior to issuance of Certificate of Occupancy with associated units.**

This shall be reviewed and assessed prior to issuance of Certificate of Occupancy. This Condition is not applicable to this final PUD review.

- 9.9 The building height shall be confirmed at time of building permit plan review and all shall be in compliance with all state and City fire and life safety codes.**

This shall be reviewed and assessed at the time of building plan review. This Condition is not applicable to this final PUD review.

- 9.10 The project involves disturbance of more than 1 acre of land. The applicant shall obtain an NPDES permit from DEQ prior to site disturbance.**

An NPDES permit from DEQ has not been submitted as part of the final PUD application. On page 11 of 22 of the application the narrative statement (Exhibit B) states *"The applicant understands the DE requires a 1200C permit prior to disturbance of more than 1 acre."* No land disturbing activities have occurred on site and none are permitted until this application is obtained. A DEQ Land Use Compatibility Statement (LUCS) was submitted as part of this application.

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

All utility lines shall be underground and above ground equipment shall not obstruct vision clearance areas for vehicular traffic. This Condition shall be reviewed following installation of utilities and equipment for compliance.

- 9.12 All public improvements shall be warranted against defects in materials and workmanship for a period of one year following acceptance of the improvements by the City. Once accepted, a minimum one (1) year warranty agreement on materials and workmanship shall be initiated between the City of Florence and the developer. A warranty bond or other financial security acceptable to the City in the amount of 12 percent of the original public improvement construction cost shall be maintained throughout the warranty period. The terms of the warranty and the**

warranty itself shall be provided to the Florence Planning Director prior to final plat approval.

This shall be assessed and reviewed at time of final plat. This Condition is not applicable to this final PUD review.

FCC 10-37:

10.1 All lighting proposed on site to include the exterior of the individual units shall be designed as full cut-off fixtures or have shielding method to direct light downwards and do not glare onto adjacent properties or skyward in accordance with FCC 10-37-4. The required lighting plans for individual dwelling units shall be submitted to the planning department for review prior to issuance of building permit.

This shall be assessed and review in conjunction with building plan review and prior to issuance of building permits the dwelling units. No details of the proposed light fixtures have been included. The applicant statement on pg. 12 of 181, under Condition 10.1 review, that states *"The applicant understands that lighting details (including design, height, and photometric specification of the proposed street lights) are required to be submitted to the Planning Department for approval prior to making the first application for a building permit."* This Condition is not applicable to this final PUD review.

10.2 The applicant shall provide design, height, and photometric specification of the proposed street lights for review and approval by the Florence Planning Department and Public Work Department prior to any work being commenced and either prior to or in conjunction with final plat.

This shall be assessed and review at time of final plat. This Condition is not applicable to this final PUD review.

FCC 11-3:

11.1 The final plat shall contain an Owner's Declaration recital, complete with the name and address of the property owner in accordance with FCC 11-3-2-C3 and the platting standards of ORS 92 for subdivisions.

This shall be assessed and review at time of final plat

11.2 The final plat prepared and submitted for final plat approval shall contain the elevations of all points used to determine contours with the required intervals of 1' 0% to 5'; 2' 5% to 10%; and 5' over 10%

This shall be assessed and reviewed at time of final plat. This Condition is not applicable to this final PUD review.

11.3 All final engineering details and plans are subject to review, revision and approval by the Florence Community Department, Public Works Director and or City Engineer. The applicant shall submit all required sewage disposal, flood control, and drainage facility plans prior to final plat.

This shall be assessed and reviewed at time of final plat. This Condition is not applicable to this final PUD review.

11.4 A final grading plan is required prior to final plat. The final grading plan is subject to discretionary approval by Public Works and/or Engineering.

This shall be assessed and review at time of final plat. This Condition is not applicable to this final PUD review.

11.5 The final plat that is prepared shall contain a legal description in accordance with ORS 92

This shall be assessed and reviewed at time of final plat. This Condition is not applicable to this final PUD review.

11.6 The applicant will be expected to proceed with final survey and to make preparations for final subdivision approval within the timeframes outlined in Title 11 Chapter 3-6 & Chapter 4-4 & 4-6 unless otherwise provided for through approved and allowed extensions from the Planning Director. This tentative plan shall expire on June 22, 2025 unless an extension request is received and approved

The application for final PUD has been submitted within the required time line and the tentative PUD and subdivision are still valid.

CONCLUSION:

Conclusion:

The proposed final PUD for Myrtle Glen has met the majority of the Conditions of Approval as required by Resolution PC 22 21 PUD 01. The Conditions of Approval that relate to the subdivision and site investigation report (SIR) will be reviewed at a later time during the appropriate review process. There are still outstanding Conditions of Approval that have not been satisfied with this final PUD application. These items include:

- 4.4: Double line striping of 2 feet on center has not been satisfied.
- 7.1: The Planning Commission is tasked with determining if the variation in horizontal lap siding for the garage gables on the four-unit buildings and the shingle pattern garage gable siding on the three-unit buildings in combination with the alternating color palates is sufficient to meet this Condition.
- 7.3: An inventory of trees along the northern buffer has not been submitted. Therefore, staff do not have sufficient evidence to verify if this Condition has been met in its entirety.

The minimum tree requirement along the 37th and Oak Street frontages has been met.

- 7.7: Sufficient details have not been submitted regarding the recreational open space and sufficient evidence has not been submitted to support the recreational need these spaces are intended to be developed for or that the amenities provided are durable and high quality.

The applicant has requested that the Planning Commission stipulate what recreational need each proposed open spaces shall be developed to support and specify amenities to be installed.

Alternatively, the Planning Commission may Condition the requirement of a fee-in-lieu to be paid by the applicant for the development of future park space

In addition to the Conditions of Approval listed in these Findings of Facts, Resolution PC 22 21 PUD, PC 22 23 SUB 02, and SR 22 48 SIR 13 remain in effect.

VI. EXHIBITS

- A. *Finding of Fact*
- B. Proposed Myrtle Glen Final PUD
- C. Attachment 1 – Civil Plans
- D. Attachment 2 – Architectural Plans
- E. Attachment 3 – Landscaping Plans
- F. Attachment 4 – Stormwater Management Report
- G. Addendum to Myrtle Glen Final PUD Addressing NOIC
- H. Attachment 5 - Architectural Plans for Triplexes
- I. Attachment 6 – Paint Colors Plan
- J. Attachment 7 – Proposed Design Vs Old Town & Mainstreet Architectural Standards
- K. Resolutions PC 22 21 PUD 01, PC 22 23 SUB 02, & SR 22 48 SIR 13