



TO City of Florence Planning Department
FROM Hailey Sheldon on behalf of David Bielenberg and Mike Johnson
SUBJECT Addendum to Preliminary PUD Application / Response to Notice of Incompleteness
DATE March 17, 2023
ENCLOSED Revised Application Submittal: PC 22 21 PUD 01/PC 22 23 SUB 02

The enclosed revised application submittal includes: (a) a revised narrative, (b) revised tentative plan (Attachment 1 Sheets 1-4), (c) revised stormwater report (Attachment 6).

Below we've addressed the requested items. Where the applicant requests certain information be provided at a later stage (not prior to the preliminary PUD hearing), we've indicated below.

A. 11-3-1-C-2: Include the names of all recorded subdivisions contiguous to the project at their connections on Sheet 1 of Attachment 1. (e.g. Casa del Mar, East Bank, etc.)

Names of the two contiguous recorded subdivisions (Casa del Mar and East Bank PUD) have been added to the preliminary subdivision plan (Attachment 1 Sheet 1).

B. 11-3-1-C-9: Add reserve strips to end of 37th St. and future East Myrtle Loop stubs.

Reserve strips have been added to the preliminary subdivision plan (Attachment 1 Sheet 1).

C. 11-3-1-C-9: Is the easement south of 37th St. part of the tentative plan? Will that be the southern edge of the plat? 5' street easements are labeled PUE and Sidewalk. The Oak St. facing appear to just be PUE not sidewalk.

Two 5' Public Utilities and Sidewalk Easements on Either Side of 37th Street: the applicant's street design (depicted on Attachment 1 Sheet 2) contains a planter-style stormwater facility on one side of the street and a swale style facility on the other. In order to fit all of these elements (the typical stormwater swale width is 16'), the applicant has added a 5' easement on either side of the ROW. The public sidewalks will be constructed within this easement. If this City desires a dedication as opposed to an easement, the applicant could dedicate a 70' ROW.

D. 11-3-1-C-11: Parcel dimensions, 1. Eastern dimension between Lot 32 and eastern boundary appears incorrect. (28.5') 2. What is distance between Lot 23 and northern boundary, 3. What is distance between Lots 1-22 and 37th St. ROW boundary 4. What is distance between western boundary and 37th St. ROW terminus.

These setbacks and parcel dimensions have been added to the preliminary subdivision plan (Attachment 1 Sheet 1).

E. 11-3-1-C-19: Legal Description: Attachment 4—The three listed parcels each include a part or an entirety of the proposed project. Please assemble the relevant parts into a single legal description. The provided legal description includes properties that are not included in the proposal. (e.g. Parcel III's Lot 44 of Casa del Mar and most of Parcel II.)

The legal descriptions of the PUD (lots and tracts), right of way dedications, and easements, will be provided with the final plat, after the final survey.

The legal description of the tax lots 1200, 1100, and 100 are included with the deeds to subject properties (Attachment 4).

F. 11-3-2-A-1: Label Common Areas with Tracts A, B etc.

The common area has been labeled “Tract A” on the preliminary subdivision plan (Attachment 1 Sheet 1).

G. Variances: Please utilize the criteria in 10-23-5-H for lot related exceptions and 11-7 for platting exceptions/modifications not covered under 10-23. Note variances are not required for most situations...rather a set of criteria need to be met. Use of exceptions/modifications in 10-23-5-H must evidence compliance both quantifiably and qualitatively as appropriate. Any use of 11-7 modifications must follow and be evidenced with the applicable criteria.

Addressed by enclosed revised application narrative, under “Modifications.”

H. 10-3-8-A: Discuss Section 3. Sheet 3 appears to illustrate different dimensions than the narrative on page 18

Addressed by enclosed revised application narrative, under Title 10: Chapter 3: Off Street Parking and Loading

I. 10-1-1-4-E: Traffic Impact Analysis—The proposal includes stubbing two streets to the south. The property to the south remains undeveloped. Establishing the location of the two streets impacts future development to include future connection locations to 35th St. A TIA is warranted to determine if the location of the proposed street stubs and their eventual extension avoid safety hazards for traffic along 35th St. with the travel speeds and traffic control devices in place. Should stubs be moved, reduced, or limited? Are traffic calming devices warranted for 35th St.? Please consult Mike Miller of Public Works to discuss a scope for TIA work. Recent trip counts are available leaving just analysis needed for traffic movements for traffic generated. ITE Version 10 was used. Please use Version 11 released September 2021 and provide counts for single family attached.

See enclosed revised application narrative, under 10-35-2-5: Traffic Study Requirements, which addresses the stub locations of East and West Myrtle Loop and maintains no TIA should be required.

J. 10-23-2-B: Note the uses as defined are single family attached, rather than triplexes or quads.

Addressed by enclosed revised application narrative, under 10-23-3-B.

K. 10-23-5: Open and Recreation Spaces are basic components of a PUD. Space is provided for residents since they often do not have a yard to recreate in. Quantify the Open Space available as defined in 10-2-13 and identify associated recreation area in quantity required. Note these are distinct from common areas (parking, maneuvering, private amenities). The code has changed significantly since Jasper Lane. Suggestions:

dog area (with pet waste station), seating areas for socializing, concrete pads for child recreation, grass field for horseshoes, cricket, lawn games. Or think bigger picture with future phases and start to build the park this area needs with additional amenities added with future phases. It is unreasonable to expect this development to cross 35th a collector to recreate at Pepperoaks park. You could dedicate parkland to the city for a city park; then the HOA is free from maintenance and insurance.

Addressed by enclosed revised application narrative, under “Open Space.”

L. Address 10-6-5-2, Residential Design Criteria & 10-6-6 as applicable for 10-23 exceptions (“variances”)

See revised narrative, under “Modifications,” for narrative regarding modifications requested under 10-23-5-H.

M. Address 10-10-5, Residential Design Criteria

Addressed by enclosed revised application narrative, under 10-10-5.

N. Address 10-10-7, Attached Residences (redundancies with previous two bullets)

Addressed by enclosed revised application narrative, under 10-10-7.

O. Address 10-37, Lighting for residences

Addressed by enclosed revised application narrative, under 10-37. Lighting plan proposed to be limited to one street light and lighting affixed to individual residences.

P. Street light locations 10-36-2-23

Proposed street light location has been added to the access and parking plan (Attachment 1 Sheet 3),

Q. Mail Box Locations 10-36-2-22

Addressed by revised application narrative, under 10-36-22. Mailbox locations to be provided in consultation with USPS.

R. See below comments for Stormwater Management Plan:

1. Overflow pipes from private storm facilities need to be sized for their respective flows.
2. Information is needed for how time of concentration was calculated.
3. Details for the stormwater swale and planter do not detail specified media or plantings.
4. Swale and planter details should show a geotextile fabric to protect the underdrain configuration. SW 301 & SW 130
5. Developer’s engineer needs to provide a table of pre versus post runoff values for each drainage basin.
6. Developer’s engineer needs to provide Operations and Maintenance forms and information per the City Stormwater Design Manual.

7. Provide a landscape plan per the Stormwater Design Manual.
8. Structures will be required at connections to the storm main. Blind connections are a maintenance issue.
9. There needs to be analysis to determine if the downstream system has capacity for the additional flow from the development during high groundwater periods.

Additional detail has been added to the preliminary drainage and grading plan regarding typical stormwater planter and landscaping. Landscaping plans for stormwater facilities will be prepared at the time of final design and in conformance with City requirements.

The submitted stormwater management plan is tentative. Final facility sizes, elevations, inlet and check dam details, overflow details, conveyance pipe sizes, connection details to the public stormwater main line in the street and analysis of existing stormwater pipe capacity will be performed at the time of final design and preparation of public and private improvement plans. Preparation of improvement plans will be coordinated with Florence Public Works and designed to City standards and City approvals will be obtained prior to construction.

Applicant	Mike Johnson
Owner	David Bielenberg
Agents	Civil Engineer: Clint Beecroft, P.E., EGR & Associates Inc. Contractor: Norm Wells, Ray Wells Inc. Planner: Hailey Sheldon, Sheldon Planning LLC
Site Address	37 th & Oak
Map No.	18S 12W 22
Parcel No.	1200 & 200
Lane County Account No.	783785 & 1327210
Size	3.13 & 0.21 Acres
Zoning	High Density Residential
Special Development Considerations and Overlays	Flood Hazard: N/A NRCS Soils Map: Yaquina loamy fine sand City of Florence Significant Wetland Areas Map: None City of Florence Hazards Map: Active Dune Advancing Edge; Creeks* National Wetland Inventory: Riverine* / Statewide Wetland Inventory: Riverine* *See Attachment 3 Wetland Delineation – No Wetland or Creeks Present
Access	37 th Street
Site Description	Vacant
Surrounding Zoning & Use	Residential, City Water Tanks, Florence Golf Links; See Attachment 2 Vicinity Maps

OVERVIEW

This application is for preliminary approval of a planned unit development of 25 townhomes. The development is proposed to be similar to Oak Street Commons – a PUD on 35th and Oak, constructed by this same development team between 2019 and 2021.

The PUD will consist of:

- 25 single family attached dwelling units (aka “townhomes”).
- 7 buildings in total: four 4-unit buildings and three 3-unit buildings
- Each townhome will be situated on an individual lot
- Each lot/townhome will be individually owned
- Each lot/townhome will include a garage and driveway (2 off-street parking spaces) and a back porch/yard.

- An access and circulation area between the townhomes and the street. This commonly-owned area will house the developments stormwater facilities and provide 13 additional off-street parking spaces.
- No development is proposed on the vegetated hill between the PUD and the City’s water tanks / Florence Golf Links parking lot, to the west.

This development proposal also includes:

1. The construction and dedication of public street and utilities to serve the PUD, built to the specifications of the [City of Florence Standard Drawings](#). This includes:
 - a. Sanitary sewer and water main under 37th Street
 - b. Sanitary sewer and water service connections to at least the property line of each of the 25 lots
 - c. 37th Street
 - d. Stub of future East Myrtle Loop

Use

The proposed use is “single family attached dwelling.”

These dwellings can be described as “middle housing” (meaning middle-income housing).

The proposed use (“townhomes”, as described below) meet needs described in the 2017 Florence Housing Needs Analysis and Economic Opportunities Analysis.

> 2017 Florence Housing Needs Analysis and Economic Opportunities Analysis: Section 1. Summary: Housing Opportunities

Under the recommended scenario, Florence should plan for 1,624 net new dwelling units over the next 20 years. This net new housing need is expected to consist of: 764 owner-occupied dwellings, 597 renter-occupied dwellings and 263 short-term rental units.

[...]

The planned net new housing mix over the next 20 years would consist of: 858 single-family detached homes, 145 manufactured housing units, 265 townhomes/duplexes, 357 multifamily housing units, and 40+/- special needs housing units. The amount of required land area to accommodate this level of housing development is expected to be approximately 231 acres (gross buildable land area).

The applicant is proposing a plan which will help fulfill the articulated need for 265 townhomes.

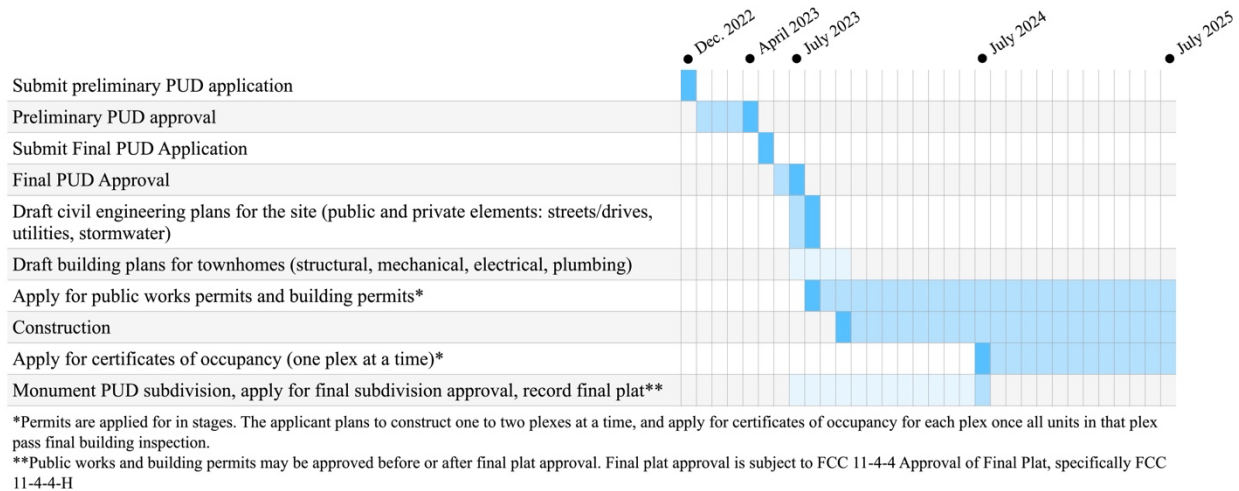
Open and Recreational Space

The open space proposal is unique and provides substantial open and recreational space. See the narrative under “Open Space,” below.

Timeline

The development is proposed to be constructed within 2 years of final PUD approval, with an option for two extensions of 12 months each, as provided for in FCC 11-3-6 [Subdivision] Tentative Plan Effective Date and FCC 10-23-14(A) Expiration of Approval for a PUD.

The overall timeline for the development is:



This is not a phased development – it will occur over a 2-year timeline, which is a compressed timeline for a development of this size.

The applicant proposes the same permitting and construction timeline as Oak Street Commons:

The applicant will construct the majority of public and common improvements, and bond the remainder, following the procedure outlined in FCC 11-4-4.

The applicant will then apply for final plat approval, record the final plat, and begin selling individual lots/townhomes within the development (as a method of financing the development).

One-to-two of the seven total townhome buildings will be constructed at a time. The individual buildings may pass final inspection and be issued Certificates of Occupancy – and occupied – prior to the completion of the development, at City officials’ discretion, except that the Certificates for the final building may not be issued until all improvements required and as a condition of tentative plan approval have been completed by the developer. Once the development is completed and 100% occupied, it will be turned over to an HOA or similar entity.

This is the process used to develop Oak Street Commons.

ATTACHMENTS

The following supporting documents are attached and available electronically at:

<https://www.dropbox.com/scl/fo/95blxexq3hhtj41ai9r6b/h?dl=0&rlkey=xabni19x2kecalqx86vsu2hmv>

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 - Sheet 1: Tentative Subdivision Plat
 - Sheet 2: Street and Utility Plan
 - Sheet 3: Access and Parking Plan
 - Sheet 4: Drainage and Grading Plan
 - Sheet 5: Existing Conditions
2. Vicinity Maps
3. Wetland Delineation
4. Deed
5. Phase 1 Site Investigation Report
6. Stormwater Management Report
7. Template Structural Plans (Oak Street Commons)
8. Template CCRs (Oak Street Commons)
9. Open Space Plan

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NARRATIVE

Planned Unit Development Standards

Title 10: Chapter 23: Planned Unit Development (PUD): 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:

- B. For all other districts:
 - 1. All permitted uses in the designated zoning district including uses requiring design review

Single family attached dwellings are permitted uses in the High Density Residential zone (10-10-2-A, below).

Title 10: Chapter 23: Planned Unit Development (PUD):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.

This application is for preliminary approval.

Title 10: Chapter 23: Planned Unit Development (PUD): 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.
- 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.
- 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.
- 4. Elevation and perspective drawings of proposed structures.

The tentative PUD subdivision plan set is comprised of five sheets: (1) the tentative plat, (2) tentative street and utility plan, (3) tentative access and parking plan, (4) tentative drainage and grading plan, and (5) existing conditions.

These sheets contain the information required by 10-23-10 Preliminary Approval, 1 through 3.

Perspective drawings of proposed structures are included in Attachment 7; the 4-unit structures are proposed to be identical to Oak Street Commons and the 3-unit structures nearly identical.

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.

See the proposed development schedule above, which meets this standard.

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.

Attachment 8 contains the Covenants, Conditions, and Restrictions for Oak Street Commons, which is an approximate template of the future CCRs for the Myrtle Glenn PUD. The applicant understands that the final CCRs are required to be submitted with the final plat, as described in FCC 11-4-2 Partition and Subdivision Final Plat Requirements.

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.

Attachment 1 Sheet 3 contains these access, circulation, and parking plans.

- c. A landscaping and tree plan.

The applicant plans to limit landscaping of the PUD to the stormwater swales. These swales cover a significant amount of the development's street frontage, and combined with the already vegetated land to the north and west (which is proposed to remain in place), the development will be well vegetated and screened.

The applicant's stormwater planting plans will be drawn to the specifications of City of Florence Standard Drawings, the City of Florence Stormwater Design Manual, and pass inspection by Public Works. The applicant proposes to submit these stormwater planting plans along with their

final stormwater facilities plans, to the Building and Public Works Departments for review and approval prior to construction.

Title 10: Chapter 23: Planned Unit Development (PUD): 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.
- 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.
- 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.
- 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.

The proposed development meets these standards, as described in the narrative below under the standards for tentative subdivision approval and development in the High Density Residential Zone.

Title 10: Chapter 23: Planned Unit Development (PUD): 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.

Subject property is 3.3 acres.

- 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 tentative plan meets the setback standards for the High Density Residential Zone.

- C. Off-Street Parking: The requirements for off-street parking and loading shall be in accordance with Chapter 3 of this Title. The Planning Commission may allow one parking space for single family dwellings in a PUD. Parking spaces or garages may be grouped together when the Planning Commission determines that such grouping of

parking spaces, and the location thereof, will be accessible and useful to the residents, guests and patrons of the PUD. (Ord 12, 1998)

The tentative plan exceeds the City's parking requirement – providing the required 2 off street parking spaces on each lot plus an additional 13 in the common area.

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.

The tentative plan complies with this underground utilities requirement.

E. Open Space:

[...]

See narrative under Open Space.

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.

The proposed development meets this natural resource protection standard as described in the narrative under Chapter 7 Special Development Standards.

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 10-5.

[...]

See the narrative below under Modifications.

Title 10: Chapter 23: Planned Unit Development (PUD): 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.

Attachment 1 Sheet 1 depicts easements and dedications. Of note:

37th Street Dedication: 37th Street is designated a Local Street in the Florence 2012 Transportation System Plan. As such, 60' of right of way is proposed to be dedicated and the street is proposed to be constructed to the Florence standard: Local Street (Parking Both Sides).

Two 5' Public Utilities and Sidewalk Easements on Either Side of 37th Street: the applicant's street design (depicted on Attachment 1 Sheet 2, contains a planter-style stormwater facility on one side of the street and a swale style facility on the other.¹ In order to fit all of these elements (the typical stormwater swale width is 16'), the applicant has added a 5' easement on either side of the ROW. The public sidewalks will be constructed within this easement. If this City desires a dedication as opposed to an easement, the applicant will dedicate a 70' ROW.

East Myrtle Stub Dedication: a 10'x60' section of E Myrtle Loop is proposed to be dedicated to the City and constructed to City standard, facilitating the future development of TL 1100 (by the applicant or a future property owner).

Emergency Turnaround Easement: a 36' x 32' easement is proposed for the emergency turnaround. An easement is proposed instead of a dedication, because it will provide the future developer of TL 1100 with more flexibility to design access to TL 1100.

¹ We don't consider this a variance from the standard contained in 10-36-2-5: Rights-of-Way and Street Section: "Local Street (Parking Both Sides)," as all elements of the standard are provided (travel lanes, parking lanes, two sidewalks). And because the text under the figure states "Optional landscape width and location may vary and is to be determined based on physical and built environment." In this case, two landscape strips / stormwater management facilities facilitate improved stormwater management.

Subdivision Standards

This proposal includes the subdivision of TLs 1200 and 200, into 25 lots, plus a 1.64 acre tract of common space (Tract A) and the dedications described under 10-23-6, above. The narrative below describes how the this proposal can meet the Title 11 Subdivision Regulations.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure: 11-3-1: Tentative Plan Requirements

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

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.

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.

Tentative PUD subdivision plans were prepared by Brent W Corning, Oregon Registered Professional Land Surveyor. Their stamp on the attached preliminary plans serves as their affidavit of services.

C. Information Required: The application itself or the tentative plan must contain the following information with respect to the subject area:

1. Name and block numbering of proposed subdivision. Except for the words, "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.
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.
3. The names and addresses of the owner and engineer or surveyor.
4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.
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.
6. Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.

7. The elevations of all points used to determine contours shall be indicated on the tentative plan and said points shall be given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%

8. The approximate grades and radii of curves of proposed streets.
9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.
10. The approximate radii of all curves
11. The general design of the proposed subdivision including the approximate dimensions of all proposed lots and parcels.
12. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.
13. 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.
14. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public water supply.
15. All proposals for sewage disposal, flood control and easements or deeds for drainage facility including profiles of proposed drainage ways.
16. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.
17. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.
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.
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 PUD tentative subdivision plan set is comprised of five sheets: (1) the tentative plat, (2) tentative street and utility plan, (3) tentative access and parking plan, (4) tentative drainage and grading plan, and (5) existing conditions.

These sheets contain the information required by 11-3-1-C Tentative Plan Requirements, Information Required.

Attachment 4 Deed contains a legal description and drawing of the boundaries of the entire area owned by the applicant, of which the proposed subdivision is a part.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure: 11-3-2: Approval of Tentative Subdivision

[...]

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 remaining lots will result from the subdivision plan.

B. All proposed lots comply with the development standards of the base zone.

See narrative under Title 10: Chapter 10: Residential Districts: 10-10-4: Lot and Yard Provisions and the section Modifications.

C. Adequate public facilities are available or can be provided to serve the proposed parcels.

The applicant is proposing to extend and dedicate City infrastructure (street, water, and sanitary sewer) inside the 35th Street right of way. Preliminary infrastructure plans are included in Attachment 1 Preliminary Plans Sheet 2.

All infrastructure will be built to Florence Public Works [Standard Drawings](#).

The general contractor constructing these elements is Norm Wells; Mr. Wells is a local contractor experienced in constructing City infrastructure.

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.

The proposed development meets this standard. See narrative above under Title 10: Chapter 23: Planned Unit Development (PUD): 10-23-6: Dedication and Maintenance of Facilities.

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.

The tentative plan complies with these provisions. See the narrative under Overview: Use, above.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure: 11-3-8: Phased Subdivision Tentative Plan

Not applicable. No phasing is proposed.

Title 11: Chapter 5: Platting and Mapping Standards: 11-5-2: Lots and Parcels

A. Size and Frontage:

1. General Requirements: Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.

2. Area: Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. [...]

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.

[...]

Zoning Standards

The tentative plan meets the standards of the High Density Residential Zone, with the exceptions described under Modifications.

Title 10: Chapter 10: Residential Districts: 10-10-2: Residential Uses

A. Table 10-10-2-A [Abbreviated]

Uses	HDR
Single-family attached dwelling	P

The proposed use is permitted outright in the zone.

Title 10: Chapter 10: Residential Districts: 10-10-4: Lot and Yard Provisions

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

	HDR	
Type	Width	Depth
Single-family attached dwelling or duet (single unit)	25 ft.	80 ft.

Lots 1-22: proposed width = 18.75 ft, depth = 98 ft

Lots 23-25: proposed width = 18.75 ft, depth = 86 ft

This lot dimension varies from the standard, as described in the narrative under Modifications, below.

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

Development Type	HDR
Single-family attached dwelling	2,000 sq. ft.

Lots 1-22: proposed area: 1,837.50 sf

Lots 23-25: proposed area: 1,612.50 sf

This lot area varies from the standard, as described in the narrative under Modifications, below.

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

	HDR
Maximum building coverage	75%
Maximum coverage by all impervious surfaces	85%

The proposed building and impervious surface coverage is shown in the table below.

This building and impervious surface coverage varies from the standard, as described in the narrative under Modifications, below.

Lot	Building Coverage (sf)	Impervious Coverage (sf)	Size (sf)	Building Coverage %	Total Impervious %
1	1,420	362	1837.5	77.3%	97.0%
2	1,420	362	1837.5	77.3%	97.0%
3	1,436	346	1837.5	78.1%	97.0%
4	1,437	345	1837.5	78.2%	97.0%
5	1,420	361	1837.5	77.3%	96.9%
6	1,421	361	1837.5	77.3%	97.0%
7	1,437	345	1837.5	78.2%	97.0%
8	1,437	344	1837.5	78.2%	96.9%
9	1,421	360	1837.5	77.3%	96.9%
10	1,421	360	1837.5	77.3%	96.9%
11	1,437	344	1837.5	78.2%	96.9%
12	1,421	360	1837.5	77.3%	96.9%
13	1,421	360	1837.5	77.3%	96.9%
14	1,437	344	1837.5	78.2%	96.9%
15	1,437	344	1837.5	78.2%	96.9%
16	1,421	360	1837.5	77.3%	96.9%
17	1,421	360	1837.5	77.3%	96.9%
18	1,437	344	1837.5	78.2%	96.9%
19	1,437	344	1837.5	78.2%	96.9%
20	1,421	360	1837.5	77.3%	96.9%
21	1,421	360	1837.5	77.3%	96.9%
22	1,437	344	1837.5	78.2%	96.9%
23	1,196	360	1612.5	74.2%	96.5%
24	1,196	360	1612.5	74.2%	96.5%
25	1,212	344	1612.5	75.2%	96.5%

Total building coverage (excluding 37th Street right of way) = 31%. Total impervious surface coverage (excluding 37th Street right of way) = 55%²

D. Yard Regulations: Table 10-10-4-D. Minimum Setbacks and Yard Regulations
[Abbreviated]

² TL 1200 ~ 136,284 sf. Tl 200 ~ 9,016 sf. 37th Street ROW ~ 28,623.
(136,343+9,010)-28,606=116,677sf. net development area
Building coverage of net development area = 36,702/116,677 = 31%
Impervious coverage of net development area = 63,827/116,677=55%

Front	
Primary	5 ft.
Garage or Carport vehicular entrance wall	20 ft.
Side	
Primary ²	5 ft.
Parking Lot, Garage or Carport	5 ft.
Garage or Carport vehicular entrance wall	20 ft.
Rear	
Primary	5 ft.
Parking Lot, Garage or Carport	10 ft.
Garage or Carport vehicular entrance wall	20 ft.
² Minimum side setbacks may be reduced to zero feet (0') for attached primary structures where they share a common wall with a structure on an adjacent lot. ³ For a corner lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner" both lot or parcel lines are the front line. The sum of these setbacks shall not fall below the sum of the minimum front and side yard requirements for primary building and no setback shall be below the minimum primary side yard requirement for the district.	

The proposed development meets these setback standards, as follows:

- Garage: 20 ft minimum
- Front: 20 ft minimum
- Side of attached primary structure: 0'
- Side of non-attached primary structures: 10'
- Rear: 5' (unenclosed porch will be built into rear setback)

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:

	HDR
Minimum net density ³ (units/acre)	12
Maximum average net density (units/acre)	25

³ Density, Net: The number of dwelling units per acre of land, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and other public facilities. (Title 10: Chapter 2: General Zoning Provisions: 10-2-13 Definitions)

Proposed density = 9.33 units per acre.⁴

This proposed density varies from the standard, as described in the narrative under Modifications, below.

Title 10: Chapter 10: Residential Districts: 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.

Structure height not proposed to exceed 40'.

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

3. Accessory Dwelling Units: The maximum building height shall be twenty-eight feet (28').

4. Nonresidential Structures: The maximum building height shall not exceed thirty feet (30').

No accessory structures, accessory dwelling units, or nonresidential structures are proposed.

5. 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.

Proposed roof pitch exceeds 3/12 (see Attachment 7 Template Structural Plans).

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

No fences are proposed as part of this application. Any fence permits will be applied for separately.

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

The tentative plan does not preclude adhering to these vision clearance standards.

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

The proposed parking plan meets the standards of 10-3, as described in the narrative under that section.

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

No signs are proposed as part of this application. Any fence permits will be applied for separately.

⁴ TL 1200 = 3.13 acres. TL 200 = 0.21 acres. 37th Street ROW = 0.66 acres.
(3.13+0.21)-0.66=2.68 net acres
25 units / 2.68 acres = 9.33 units per net acre (net density)

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

No landscaping plan is required; applicant's proposed use is single-family attached dwellings.

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

The proposed access and circulation plan can meet the standards of 10-35, as described in the narrative under that section.

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

The proposed public facilities plan can meet the standards of 10-36, as described in the narrative under that section.

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

The proposed lighting plan can meet the standards of 10-37, as described in the narrative under that section.

Title 10: Chapter 10: Residential Districts: 10-10-7 Attached Housing

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

B. Intent.

1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
2. To ensure that the overall size and visual impact of the attached development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
3. To ensure minimal visual impact from vehicular use and storage areas for residents of the attached housing development as well as adjacent properties.

C. Approval Criteria.

1. Construction Criteria:

a. Maintenance easement: No building permit shall be issued for an attached development unless the applicant provides a copy of a recorded easement from the owner(s) of contiguous properties providing for reasonable ingress, egress, and use of such properties for the purpose of maintaining, repairing and replacing the premises. The easement shall be in a form approved by the City Attorney.

Easements will be provided with the final plat, as described in the timeline under "Overview," facilitating meeting this standard.

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

No more than 4 consecutive units sharing a common wall, walls, roof, or foundation are proposed.

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

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

Interior site setbacks between exterior walls meet this standard (proposed at 10').

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

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

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

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

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

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

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

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

The applicant's proposal provides 0.49 acres or 21,316 square feet of open space, meeting these standards.⁵ Subsection e requires only 2,500 square feet of open space meeting these standards.⁶

(Note: 10-10-7-A above states: "Where there is a conflict between these standards and standards elsewhere in the code, the Attached Housing standards shall apply." It is unclear whether that means 10-10-7-C-3 Open Space supercedes 10-2-3 Definitions and 10-23-5-E Open Space.)

4. Architectural Details

a. Approved exterior building wall materials:

⁵ Excludes backyards/porches (which are less than 10' deep). Excludes slopes >5%. Is protection of sensitive lands.

⁶ 25 dwelling units x 100 sf for each dwelling unit = 2,500 sf open space.

- i. Lap siding, board and batten siding, shingles and shakes. Metal siding shall not be permitted
- ii. Vinyl siding is permitted if it meets the following standards:
 - 1. The style emulates lap siding, board and batten siding, shingles and/or shakes.
 - 2. The vinyl is ultraviolet- and heat-stabilized.
 - 3. Panels are a minimum thickness of 0.044 inches.
 - 4. Soffit panels are a minimum thickness of 0.050 inches.
 - 5. Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.
 - 6. Siding is installed with sufficient space at openings, stops and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.
- iii. Brick or stone masonry with a minimum 2 ½” deep solid veneer material
- iv. Cement-based stucco
- v. Secondary materials: Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non- reflective and compatible with the overall building design, subject to approval. Secondary materials may be used on up to 30% of the façade.
- b. Single-family attached and duet dwellings shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the following options:
 - i. A covered porch or patio of at least sixty square feet with a minimum depth of five feet (5’) between the main entrance and the street.
 - ii. Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet (3’), and not more than six feet (6’), from grade.

The townhomes are proposed to be constructed in a style similar-to-nearly-identical to Oak Street Commons. See Attachment 7 of the Preliminary PUD application for template structural plans.

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

The proposed parking plan meets the standards of 10-3, as described in the narrative under that section.

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

No fences are proposed as part of this application. Any fence permits will be applied for separately.

Modifications

The applicant is requesting six modifications, three under 11-7-1 (modifications related to width, area, and frontage of lots) and three under 10-23-5 (coverage and density).

Title 11: Chapter 7: Modifications, Subdivision Regulations: 11-7-1: Application for Modification

A. Time for Submitting Application: Concurrently with submitting a tentative plan to the Planning Director for Planning Commission consideration and approval, an applicant may submit to the secretary of the Planning Commission an application for a modification of any provision of Chapters 2 through 6 of this Title and Chapter 36 of Title 10.

The applicant requests a modification to the provisions of 11-5-2 Lots and Parcels⁷ – to allow the following modifications to width, depth, area (size), and frontage standards of the underlying High Density Residential zone.

#	Code	Applies to	Standard	Proposed	% Varies
1	10-10-4: Lot and Yard Provisions: A. Table 10-10-4-A Minimum Lot Dimensions by Development Type	Minimum lot width for single-family attached dwelling	25'	18.75'	25%
2	10-10-4: Lot and Yard Provisions: B. Table 10-10-4-B Minimum Lot Area by Development Type	Minimum lot area for single-family attached dwelling	2,000 sf	1-22: 1,837.5 sf 23-25: 1,612.5 sf	1-22: 8% 23-25: 19%
3	11-5-2: Lots and Parcels: 3. Frontage	Minimum street frontage for single-family attached dwelling	25'	18.75	25%

⁷ 11-5-2: Lots and Parcels: A: Size and Frontage:

1. General Requirements: Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.
 2. Area: Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. Where either a community water supply or sewer system are not presently provided, the lot area shall be sufficient to meet State and County health standards and the lot area shall be at least twice the number of square feet normally required in the zoning district where the lot is located. Where an oversize lot as described above is required due to lack of services, the Planning Commission may require the developer to submit a plan for later division of said lot(s) into lots meeting the minimum lot sizes for single-family detached dwellings in the underlying zone.
 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.
- [...]

B. Contents of Application: An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:

1. Such provision, if strictly applied, would cause unique and unnecessary hardship to the applicant in subdividing or partitioning the subject area; and that

If strictly applied, meeting the above lot width, area, and frontage standards would cause unique and unnecessary hardship:

- Widening the lots from 18.75 to 25' would require either (a) fewer lots or (b) developing the vegetated hill.
- Increasing the overall lot area to 2,000 square feet would require either (a) fewer lots (b) developing the vegetated hill, or (c) removing the shared parking and circulation area.
- Fronting the lots on 37th Street (and therefore providing a minimum 25' of street frontage) would require (c) removing the common parking and circulation area.

2. Modifications of such provision(s) would not be contrary to the purpose of this Title for the reason that:

a. Where the application is for a modification of any provision of Chapters 5 or 6 of this Title, unusual topographic conditions or previous layout of the partition or subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the public interest and the best use and value of property in the neighboring area; or

Unusual topographic conditions (the vegetated hill to the west) and previous layout of the neighboring area (the surrounding development and shape of subject property) require these modifications.

Not allowing these modifications would have one or more of these negative results:

- a) Fewer lots: reduces density. High density is the purpose of the zone.
- b) Developing vegetated hill: This would compromise this stabilized, vegetated area. It may require man-made retention. And it would remove the buffer between the development and the City's water tanks and the entrance to the golf course.
- c) Removing shared parking area: the inclusion of the common parking and circulation area is more in-line with purpose of Chapter 35 Access and Circulation (ensuring that developments provide safe, adequate, cost effective, efficient access and circulation for pedestrians, bicycles and vehicles) than the alternative: 25 ten-foot wide driveways, spaced 6-7 feet apart, entering a public street (or even 12 shared driveways).⁸

⁸ 10-35-2-7 *Intersection Separation; Backing onto Public Streets* exempts "single-family and duplex dwellings" from the prohibition on backing on to public streets – but the parking code assumes that those single family dwellings are detached. In this case, the dwellings are single family in the sense that they are owner-occupied. But their physical configuration – which is what the parking code addresses – is a 4-plex (or 3 or 2-plex). The access and circulation code isn't specific to plexes in this configuration. But the (related) parking code is. And it puts 4-plexes and 3-plexes in the same category as apartments.

Title 10: Chapter 23: Planned Unit Development (PUD): 10-23-5: Development Standards

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 10-5.

The applicant requests the following modifications to the HDR zone development standards:

#	Code	Applies to	Standard	Proposed	% Varies
4	10-10-4: Lot and Yard Provisions: C. Lot Coverage	Maximum building coverage	75%	75%	1-22: 77-78%
5	10-10-4: Lot and Yard Provisions: C. Lot Coverage	Maximum impervious surface coverage	85%	85%	96-97%
6	10-10-4: Lot and Yard Provisions: E. Residential Density Standards	Minimum net density	12 units per acre	9.33 units per acre	22%

Note first:

Regarding 4 & 5: The applicant is proposing less impervious surface and building coverage *on each individual lot* than is standard for a single family home in the high density residential zone. But the overall development meets the coverage standard for the zone, with 31% building coverage (standard = 75%) and 55% impervious surface coverage (standard = 85%).

Regarding 6: If the approximately 0.5 acre vegetated hill to the west were subtracted from the net developable area, the subdivision in its existing configuration would meet the density standard.⁹

In addition, the modifications meet the standards contained in 10-23-5-H:

For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:

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

The townhomes are proposed to be constructed in a style similar to nearly identical to Oak Street Commons. See Attachment 7 of the Preliminary PUD application for template structural plans.

2. Incorporation of unique land forms into the final PUD design [...]
5. Natural resource protection, where identified as part of a preliminary site investigation report

⁹ TL 1200 = 3.13 acres. TL 200 = 0.21 acres. 37th Street ROW = 0.66 acres. Vegetated hill ~ 0.5 acres.
 $(3.13+0.21)-(0.66+0.5)=2.09$ net acres
 25 units / 2.09 acres = 11.96 units per net acre (net density)

The tentative plan proposes to leave in place (a) the approximately half-acre vegetated hill to the west and (b) the strip of dense trees / brush to the north – these will buffer its north and west sides, and represent about 15% of subject property.¹⁰

[...] 3. More recreation space than the minimum required

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

See findings under Open Space. The applicant proposes a unique open space arrangement, which provides more recreation space than the minimum required.

6. A mix of dwelling unit types and densities

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

The PUD design does not meet standards 6 and 7. But it does meet the majority of the standards contained in 10-23-5-H. And 10-23-5-H only requires that the applicant show how the proposed modification achieves standards 1 through 7, but not that they achieve all of those standards simultaneously. Requiring all standards be met simultaneously would have the effect of requiring any PUD seeking modification to the underlying zoning standards (which is a purpose of the PUD), contain a mix of dwelling unit types and densities and (where zoning permits) commercial uses.

The proposed PUD subdivision configuration facilitates meeting the City's stormwater standards, access and circulation standards, and special development standards – while achieving 77% of the high density envisioned for the zone and helping to fulfill the City's articulated need for 265 townhomes.

¹⁰ TL 1200 = 3.13 Acres. TL 200 = 0.21 Acres. Vegetated Area = approximately 0.5 Acres. 15% = 0.5/(3.13+0.21)

Open Space¹¹

The applicant's proposal:

- a) Provide the open space described in the table below and on Attachment 9.
- b) Enter into an agreement with the City of Florence which stipulates: on or before an agreed future date (we're thinking 8 years from the date of the final PUD subdivision plat approval) the owner of TL 1100 will (a) plat as common area and (b) develop as a park, an area at least 5,834 square feet in size, on TL 1100, adjoining the southern boundary 37th Street (across the street from the Myrtle Glenn PUD). This common area/park will be commonly owned, used, and maintained by the Myrtle Glenn PUD; this will be stipulated in the CCRs for the Myrtle Glenn PUD. This common area/park may also be shared (in ownership, use, and maintenance) by the owners of future development(s) on TL 1100; but it will not be counted towards open space or recreational space requirements for those future developments.

This arrangement will allow the both the applicant and the City flexibility as the surrounding property develops, via separate development applications – but will ensure that the dwellings within that development are provided with nearby recreational space, regardless of whether or not the develop succeeds in permitting and constructing additional dwelling units on TL 1100.

Title 10: Chapter 2: General Zoning Provisions: 10-2-3 Definitions

Open Space: 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. (Ord. No. 2, 2011)

11

Open Space				
	Square Feet	Acres	% Net Dev't	% Gross Dev't
TL 1200	136,284	3.13		
TL 200	9,016	0.21		
37th ROW	28,623	0.66		
Net Development Area (TL 1200+TL200-ROW)	116,677	2.68		
Gross Development Area (TL 1200+TL200)	145,300	3.34		
Private Backyards/Porches	2,286	0.05	2.0%	1.6%
Open Space Area	38,754	0.89	33.2%	26.7%
Open Space Area <5%	21,316	0.49	18.3%	14.7%
Required Open Space: 20% of Net Developable Area	23,335.40	0.54		
Required Recreational Space: 25% of 20% of Net Developable Area	5,833.85	0.13		

The applicant’s proposal meets this definition by providing (a) 0.89 acres of open space area retained in substantially natural conditions and (b) an adjacent common area improved for recreational purposes.

Title 10: Chapter 23: Planned Unit Development (PUD): 10-23-5: Development Standards

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 recreation area may provide for passive and/or active recreational activities.

The applicant’s proposal provides (a) 0.89 acres of open space (as defined by 10-2-3) – which comprises 33.2% of the net developable area, exceeding this standard by 0.35 acres, and (b) 5,834 square feet of nearby recreational space, under the agreement described above. See Attachment 9 for a depiction of this proposal.

[...]

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)

The 2011 Florence Parks and Recreation Master Plan Figure 7.1 Proposed Park Resources in UGB does not include a “Proposed Park” in the vicinity of subject property.

Figure 4.4 Community Park Service Areas and Figure 4.5 Mini & Neighborhood Park Service Areas does include a portion of subject property in “Residential Areas Under-Served by Community Parks” – but subject property is on the boundary, with a portion of it inside the “Existing Neighborhood Park Service Area.”

[...]

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.

The proposed development meets this natural resource protection standard as described in the narrative under Chapter 7 Special Development Standards.

Other Development Standards

The remainder of this narrative describes how the applicant's proposal meets or can meet Florence's development codes for parking, access and circulation, protection of natural resources and avoidance of natural hazards.

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-3 Minimum Standards by Use

The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. [...]

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.

[...]

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-4 Minimum Required Parking by Use

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

A. Residential and Commercial Dwelling Types:

Single Family Dwelling including attached and detached dwellings and manufactured homes: 2 spaces per dwelling unit on a single lot

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-5 Vehicle Parking – Minimum Accessible Parking

[...]

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-8 Parking Area Improvement Standards

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

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

1. A carport or garage, unless the majority of existing dwellings within 100 feet of the property boundary of the proposed development do not have such covered parking facilities. The number of required covered parking spaces shall be based on the predominant number of covered spaces on the majority of lots within the 100 foot radius.

Parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments (such as water heaters, steps, door swings) are allowed into the required parking spaces.

2. One parking space per unit may be provided on a driveway if the following criteria are met:

a. Driveway spaces shall measure at least nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments are allowed into the required parking spaces.

b. Driveway spaces shall not extend into the public right-of-way.

c. The number of parking spaces provided as a carport or garage shall not fall below one (1) space per unit.

3. Off-street parking for single-family attached dwellings on the front of the building and driveway accesses in front of a dwelling are permitted in compliance with the following standards:

a. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet (12') wide on any lot.

b. The garage width shall not exceed twelve feet (12'). Garage width shall be measured based on the foremost four feet of the interior garage walls.

[...]

The applicant's parking proposal meets the standards of these sections.

The proposed lot configurations will not preclude the construction of a 10' wide, 20' deep garage and a 10' wide, 20' deep driveway on each lot. This configuration would meet the minimum parking requirement of 10-3-4 and the standards of 10-3-8, which allows for the driveway space to be counted towards required parking.

In addition: the applicant is proposing to construct the shared parking/access area as a subdivision improvement (required to be constructed or bonded prior to final plat). This parking area includes thirteen 9'6" parking spaces (including 1 ADA van accessible parking space with a minimum 96" wide access aisle).

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-10 Bicycle Parking Requirements

All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below. [...]

No shared bicycle parking area is proposed or required.

Title 10: Chapter 3: Off Street Parking and Loading: 10-3-9 Parking Stall Design and Minimum Dimensions

Parking Stall Design and Minimum Dimensions: All off-street parking spaces (except those provided for a single-family; duet, duplex dwelling; or tri-plex, quad-plex, or

cluster housing development that provides off-street parking through a carport or garage) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

Table 10-3-3 Parking Area Layout [Abbreviated]

Parking Angle	Stall Depth: Single	Aisle Width: Two Way	Stall Width	Curb Length
90	19'	23'	9.5'	9.5'

The proposed parking/access area meets these standards, with thirteen 9'6" parking spaces (including 1 ADA van accessible parking space with a minimum 96" wide access aisle) and a 23' wide, two-way drive aisle.

Title 10: Chapter 35: Access and Circulation: 10-35-2: Vehicular Access and Circulation: 10-35-2-2: Applicability

Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. [...]

The applicant is proposing to:

- Construct and dedicate the extension of 37th Street, as shown below.
- Construct and dedicate the intersection of 37th and E. Myrtle Loop (street stub), as shown below
- Construct a hammer head turnaround at the end of 37th Street, as shown on the detail on Attachment 1 Sheet 3, meeting the standard of Oregon Fire Code Figure D103.1 Acceptable Alternative to 120-foot Hammerhead.
- Construct two external driveway entrances off 35th Street, and the interior two-way vehicle circulation area and parking lot, depicted on Attachment 1 Sheet 3.

Title 10: Chapter 35: Access and Circulation: 10-35-2: Vehicular Access and Circulation: 10-35-2-3: Access Approval Required

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

The applicant understands that they will be required to gain a Construction Permit in Right of Way prior to beginning construction in the City's new 37th Street right of way.

Title 10: Chapter 35: Access and Circulation: 10-35-2: Vehicular Access and Circulation: 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.

FCC 10-1-1-4-E-2 Criteria for Warranting a Traffic Impact Study, subsection c, requires a traffic impact study for "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."

The applicant's proposal adds 25 single family dwellings but doesn't increase traffic volume by 250 or more ADT, per the ITE Trip Generation Manual. The Institute of Transportation Engineers Trip Generation Manual 11th Edition estimates single family attached housing (ITE Land Use Code No. 215) to generate 7.2 daily trips ("daily rate") – or 180 daily trips for the proposed 25 units.

No traffic impact analysis ought to be required because:

The development is expected to generate less than 250 ADT (expected 180 ADT).

The applicant is not requesting any variance to the transportation or access and circulation standards.

Subject property is planned for high density residential development (as described by Florence's Comprehensive Plan, zoning plans, and Transportation Systems Plan).

The proposed locations of the stubs of East and West Myrtle Loop off 37th Street are in line with the built East and West Myrtle Loops south of 35th Street; their extension would result in 4-way intersections; this block configuration is preferred by Florence's subdivision standards.

Title 10: Chapter 35: Access and Circulation: 10-35-2: Vehicular Access and Circulation: 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)). [...]

Separation Distance from Driveway to Pavement:

Local Street: 25 feet

Both external driveway entrances are separated at least 25 feet from the intersection of 37th and Oak Streets.

The 25 internal “driveways” do not enter a public street.

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 proposed design prevents backing onto public streets.

Title 10: Chapter 35: Access and Circulation: 10-35-2: Vehicular Access and Circulation: 10-35-2-8: Access Standards

New development shall gain access primarily from local streets. [...]

The proposed development gains access from the local 37th Street.

Title 10: Chapter 35: Access and Circulation: 10-35-2: Vehicular Access and Circulation: 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.

The proposed site plan, which includes the off-street parking and circulation area, was designed to safely accommodate expected traffic to the site.

As described in the narrative under Modifications, although individual driveways on to 37th Street would be allowed for this use type (single family attached) and would get the applicant closer to meeting the *larger* lot sizes required in the HDR zone for single family attached units – the developer has opted to propose the inclusion of the access and circulation area in order to better accommodate the expected traffic on the site.

Title 10: Chapter 35: Access and Circulation: 10-35-2: Vehicular Access and Circulation: 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.

The development contains two driveways to which 10-35-2-12 applies: the two driveways off of 37th Street.

The configuration of each lot also allows for a 20' deep, 10' wide driveway on each lot, leading to the shared access area.

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 two, 30' wide, two-way, asphalt driveways off 37th Street meet these standards.

The 25 internal 20' deep, 10' wide driveways meet these standards.

37th Street is the fire apparatus access road for the development. Regardless, the access/parking area drive aisle could also accommodate a fire apparatus, in an emergency.

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.

The aprons on the two external driveways are proposed to meet the City of Florence Public Works standard specifications for driveway aprons.

In addition, the aprons on the proposed Myrtle Loop stub are also proposed to meet those driveway apron specifications.

No driveway aprons are required or proposed for the future private driveways serving the individual lots, as they do not bisect sidewalk or walkway.

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.

The tentative plan does not allow for an exterior wall of a first story building location greater than 150 feet from 37th Street. The rear lot line of lots 1-22 are less than 150 feet from the northern edge of the 37th Street ROW; the north side lot line of lot 23 is less than 150 feet from the northern edge of the 37th Street ROW. No fire access lane is required.

Title 10: Chapter 35: Access and Circulation: 10-35-2: Vehicular Access and Circulation: 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 1/2’) 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.

The tentative plan does not preclude adhering to these vision clearance standards.

Title 10: Chapter 35: Access and Circulation: 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.

Title 10: Chapter 35: Access and Circulation: 10-35-3: Pedestrian Access and Circulation: 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: [...]

The applicant proposes to construct two sidewalks – one on each side of 37th Street – to City standard.

Title 10: Chapter 35: Access and Circulation: 10-35-3: Pedestrian Access and Circulation: 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.

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.
3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
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.

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.

Title 10: Chapter 35: Access and Circulation: 10-35-3: Pedestrian Access and Circulation: 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.

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.

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)

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.

The tentative plan includes walkways leading to the primary entrance of each single family dwelling, from the shared parking area.

The pedestrian route in / out of the subdivision is via the new 37th Street sidewalk, through the shared access/parking area. The entire access/parking area is ADA-accessible.

Title 10: Chapter 34: Landscaping: 10-34-3-1: Applicability

Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements.

These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

This chapter does not apply – the applicant’s proposed use is single family.

Title 10: Chapter 36: Public Facilities: 10-36-2-22: Mail Boxes

Plans for mail boxes shall be approved by the United States Postal Service.

The applicant will consult with USPS regarding the location of mail boxes.

Title 10: Chapter 36: Public Facilities: 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 1999.¹² The Planning Commission during site design review may add street lights at other locations and authorize specific exceptions to the above priorities when necessary in order to enhance the public safety and welfare; actual locations may be varied slightly depending on placement of Central Lincoln PUD poles. Streetlights shall be installed in accordance with City of Florence Standards and Specifications. Where a private street intersects a public street, a street light shall be installed.

The applicant proposes a street light at the intersection of the future E Myrtle Loop and 37th Street, as depicted on Attachment 1 Sheet 3. The applicant will consult with Central Lincoln PUD regarding street lighting.

Title 10: Chapter 37 Lighting: 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

¹² City of Florence City Council Resolution 16, Series 1999

[...]

2. Each four-way intersection with all streets paved.
 3. Each four-way intersection with at least two (2) streets paved.
 4. All other four-way intersections.
 5. Each three-way ("T") intersections with all streets paved.
 6. Each three-way ("T") intersections with the through street paved.
 7. All other three-way intersections.
 8. At each paved cul-de-sac.
 9. At each unpaved cul-de-sac, or dead-end street.
- [...]
11. Midway between lighted intersections on other streets if distance exceeds six hundred fifty feet (650').
 12. Four hundred feet (400') apart on other City streets without intersections, but not closer than three hundred twenty five (325') from a lighted intersection.
 13. At entrance(s) where a Planned Unit Development (PUD) meets a City street.

[...]

Actual locations may be varied slightly depending upon placement of Central Lincoln PUD poles.

[...]

1. That the City will pay the monthly cost of street lights only for standard luminaries as provided by Central Lincoln PUD, located upon standard poles. In the event that in the future residents of an area, or developers of a subdivision wish street lighting on more costly poles, then those residents, or developers shall pay to the City the entire additional cost, including billing costs and other administrative costs.

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.

Title 10: Chapter 37 Lighting: 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.

B. Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.

C. Lighting in or adjacent to residential zones or residential uses shall not exceed twenty feet in height as measured from the adjacent grade to the top of the light fixture. Heights in other zoning districts shall not exceed 25 feet unless the Design Review Board adopts findings that the higher light fixtures are necessary to achieve proper illumination levels.

D. Main exterior lights for commercial, institutional, and industrial buildings, landscaping and parking lots shall be extinguished at end of business hours with a minimum lighting remaining for personal and building security and safety after hours.

E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.

F. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination is restricted to the sign face and glare is eliminated.

G. Lighting for roadway signs and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

The applicant proposes only the street light (depicted on Attachment 1 Sheet 3) and lighting affixed to the individual townhomes. The lighting affixed to the individual townhomes will meet the standards of 10-37-4-A.

Title 10: Chapter 7: Special Development Standards: 10-7-2: Identification of Wetlands and Riparian Areas and Potential Problem Areas

At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

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

No wetland exists on subject property, as evidenced by Attachment 3 Wetland Delineation.

Subject property is composed of Yaquina loamy fine sand, a soil type described by the Florence Natural Resources Conservation Service Soils Map as unsuitable or conditionally suitable for development.

As such, Attachment 5 Phase 1 Site Investigation Report is included with this application.

Title 10: Chapter 7: Special Development Standards: 10-7-3: Development Standards for Potential Problem Areas

The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

- A. Special Flood Hazard Area: [...]
- B. River Cutbanks: [...]
- C. Active Dune Advancing Edge: No building shall be permitted within one hundred feet (100') of the leading edge of an active dune, [...]

The City of Florence Hazards Map appears to indicate active dune advancing edge to the west of subject property. This area has been developed into a golf course and residential neighborhoods.

The applicant seeks to avoid the steep vegetated hill on the western side of subject property.

- D. Ocean Flooding, Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).

E. Slopes Greater than Twelve Percent: For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.

No development is proposed on areas of subject property with slopes greater than 12% (see Attachment 1 Sheet 5 Existing Conditions for a contour map).

The applicant's ultimate dwelling development plan will meet the standards of Oregon Structural Specialty Code Appendix J Grading and Chapter 18 Soils and Foundations.

Furthermore, as required by subsection H, below: the applicant's development plans will be prepared by a registered engineer and approved by the City (specifically: the Public Works Director for the street and the Building Inspector for the dwelling plans).

F. Active Dune Sands: Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, [...]

No active dune is on or adjoining subject property.

G. Brallier and Heceta Soils: In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.

No Brallier or Heceta Soils are present on subject property.

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)

Subject property is composed of Yaquina loamy fine sand. The applicant understands that their development plans must be prepared by a registered engineer and approved by the City (specifically: the Public Works Director and the Building Inspector, as applicable).

Title 10: Chapter 7: Special Development Standards: 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.

[...]

See Attachment 5 Phase 1 Site Investigation Report and Attachment 3 Wetland Delineation.

The applicant requests that the Phase 2 Site Investigation report be waived under 10-7-6-A-2, above, as:

(1) The problem (the Yaquina loamy fine sand) can be adequately protected through provisions of the Building Code. Specifically: Oregon Structural Specialty Code Appendix J Grading and Chapter 18 Soils and Foundations.

(2) Florence's code requires that the applicant's development plans be prepared by a registered engineer and approved by the City (specifically: the Public Works Director and the Building Inspector, as applicable).

(3) No development is proposed in areas with existing slopes greater than 12%.

Given these mitigating measures, no Phase 2 Site Investigation Report is warranted, as it would be a duplicative effort. Per normal means, the development impacts and proposed design (the applicable sections of the Phase 2 Site Investigation report – sections I and J, respectively) will be assessed by the applicant's engineer and reviewed by the City's Public Works and Building Inspector, as applicable.