

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

Meeting Date: June 13, 2023

Planner: Wendy FarleyCampbell & Clare Kurth

Application: PC 22 21 PUD 01, PC 22 23 SUB SUB 02, & SR 22 48 SIR 13 – Myrtle Glenn

Related Applications: AR 22 09 VEG 04 – Vegetation Clearing

I. PROPOSAL DESCRIPTION

Proposal: A request for approval of a preliminary planned unit development (PUD) plan of 25 townhomes each situated on an individual lot and individually owned. Each of these units is proposed to have a garage and driveway with 2 off street parking spaces and a rear yard/porch. The request includes a tentative subdivision plan for 25 single family attached lots and platted common areas for parking, utilities, and setback buffers.

Applicant: William Johnson Construction Inc

Property Owner: David J. Bielenberg

Location: North east intersection of 37th and Oak Street.
Approximately 770 feet west of the Hwy 101 and 37th Street intersection and approximately 610 feet north of the 35th St and Oak St intersection.

Site: TL 01200: 3.13 Acres
TL 00200: 0.21 Acres
Assessors Map No. 18-12-22-11, Tax Lot 01200 and 00200.

Comprehensive Plan Map Designation: High Density

Zone Map Classification: High Density Residential

Surrounding Land Use/Zoning

Site: Vacant / High Density Residential (HDR)
North: Single Family Residences & Open Space / HDR
South: Single Family Residence | Vacant / HDR
East: Single-family residences / HDR/ Highway District
West: Golf Course maintenance building | city water towers / HDR / Open Space

Streets/Classification

South: None
East: Oak St. / Collector
West: None
North: None

II. NARRATIVE

Proposal:

The proposal is for a preliminary PUD plan and tentative subdivision plan that will consist of 25 single family attached dwelling units (townhomes), each situated on an individual lot and individually owned. 7 buildings in total are proposed with four 4-unit buildings and three 3-unit buildings. Each individual unit will include a one-car garage, driveway parking space, and a back porch / yard. The proposal includes a common access and circulation area between the proposed 37th Street ROW and the units that will house stormwater facilities and provide an additional 13 off-street parking spaces. There is a vegetated slope on the west portion of this property that the applicant is proposing to preserve.

Ingress and egress will be from the east at Oak St. To the north and east are modest sized high density single family detached PUDs. These are mostly single-story units with some two-story units. For more than two blocks in any direction there are no townhomes. There are several one-story duplexes and there is one single-story four-plex two blocks to the east. The proposal is north of an additional 9-10 vacant acres reserved for future development.

The applicant states they are seeking 6 modifications. The applicant requests 10-23-5-H be utilized for three design related exceptions and 11-7 be utilized for three platting modifications.

The three modifications the applicant is seeking under 10-23-5-H are: decreasing the minimum density of dwelling units per acre, increasing the maximum building coverage on individual lots, and increasing maximum lot coverage by all impervious surfaces. The three modifications the applicant is seeking under FCC 11-7 are: decreased minimum lot width, decreased minimum lot square footage, and decreased minimum street frontage. The applicant proposes the common parking area with stormwater facilities, and retention of the vegetated hill on the west as concessions for the proposed modifications. All of the requests for modification will be discussed and analyzed in more detail later in these Findings.

In 2022 Ray Wells applied for a vegetation clearing permit for this site under land use approval AR 22 09 VEG 04. The site has been cleared of vegetation with the exception of the vegetated hill on the west of the property and a vegetated buffer on the on the north and east property lines that abuts residential uses adjacent to the subject site. The applicant was conditioned to secure lose sand and soil through grindings or the spreading of root mat, which are still in place.

Previous wetland delineations were completed on this property that indicated the presence of a wetland on the northern portion of the property. However, wetland delineation WD # 2021-0494 was completed September 2021 in preparation for this application and found no evidence of a wetland present on the site. In December 2021 the Department of State lands issued a concurrence statement agreeing that there were no jurisdictional wetlands or other waters of the state on the site. The concurrence letter is valid for 5 years from the date of the letter (December 23, 2021) unless new information necessitates a revision.

III. NOTICES & REFERRALS

Notice: On May 24, 2023, notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on the same day May 24, 2022

June 5, 2023 – Public Testimony received from Grove regarding concerns over the height of the buildings, potential for the two-story buildings to block sun and light on his property, and comments regarding developing the proposed attached single-family dwellings on the south side of 37th St versus the north as proposed.

Response: These concerns will be addressed under section FCC 10-23. The City of Florence does not currently have sun or solar codes that can be applied to this situation. The applicant is proposing 27-foot dwelling units, which is below the maximum height allowed in the HDR zoning district.

Referrals: On December 1, 2022, a referral notice was sent to Public Works and contract engineers. On March 17th the revised plans were sent to Public Works, Building Division, Central Lincoln PUD and Siuslaw Valley Fire and Rescue.

Siuslaw Valley Fire & Rescue (May 30, 2023) Exhibit L:

Siuslaw Valley Fire & Rescue (SVFR) Fire Chief states the proposed location and size, shape of the emergency vehicle turn around.

If the buildings exceed 30 feet in height, then an aerial fire apparatus will be required in accordance with D105.1 and D105.2.

Fire hydrant location will be acceptable. The minimum fire flow required will be 2,000 GPM for 2 hours according to OFC Table B 105.1(2).

Comment: Public Works Director states the development will be connecting/utilizing 12-inch water main from the north pressure with controlling hydraulic gauge line of 261 feet. The water pressure in the area is approximately 90 psi and the “water system in the area is capable of supplying 3,500 to 4,500 during fire flow conditions.”

The applicant confirmed that the building height is proposed to be 27 feet in height from average grade to peak off roof. No aerial apparatus is required based on building height. No automatic sprinklers are proposed.

Public Works & Civil West Engineer (June 2, 2022) Exhibit M:

Public Works Director Mike Miller submitted comment December 2022 and resubmitted these comments June 2, 2023. Public Works has provided combined comment with the Civil West Engineering regarding the revised Myrtle Glenn Stormwater Management Report and are included below:

- *Overflow pipes from private storm facilities will need to be sized for their respective flows. These lines are likely to see consistent flow in winter months when groundwater surges to surface or above surface.*
- *Structures will be required at connections to the storm main. Blind connections are a maintenance issue and there are simply too many connections to the stormwater line. It would be more appropriate for the rain gardens to be inter-connected with one another and then a single storm line be extended/connected to the public storm line at a manhole location. The City may consider other options, however we are looking for less connections and a way to clean/maintain the lines.*
- *The remaining comments from the previous submittal have been addressed.*

We recommend approval of the Stormwater Report, and the private stormwater facilities will need to be approved and inspected as each lot is built out.

Regarding the other utilities and street plans, attached are our original redline comments from December 2022. In the resubmittal packet, we did not see any plans other than stormwater. The public utility improvement plans, along with the street plans are an iterative process, however comments regarding sanitary sewer clean-outs, water service and water meter locations, extension of utilities for future streets and standard curb/gutter have not been addressed or corrections/modifications provided to Public Works for review.

The developer's engineer needs to provide revised public utility plans for City review and additional comment.

Comments: The items still required have been conditioned in the Findings with associated times lines included.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code (FCC)

Title 10: Zoning Regulations

- Chapter 1: Zoning Administration, Sections 1-4, 1-5, & 1-6-3
- Chapter 2: General Zoning Provisions Section 13
- Chapter 3: Off-Street Parking, Section 3, 4, 5, 8, 9, & 10
- Chapter 7: Special Development Standards, Sections 2-C, 3-H, 6, & 7
- Chapter 10: Residential Districts, Sections 2, 4, 5, & 7
- Chapter 23: Planned Unit Development, Sections 1 through 10, 12 and 15
- Chapter 34: Landscaping, Section 2 through 5 (if needed per 10-23)
- Chapter 35: Access and Circulation, Sections 2 through 4
- Chapter 36: Public Facilities, Sections 2 through 9
- Chapter 37: Lighting, Sections 2, 3, 4, 5B, & 5R

Title 9: Utilities

- Chapter 5: Stormwater Management, Sections 1 through 7

Title 11: Subdivision Regulations

- Chapter 1: Subdivision Administration, Provisions, Sections 1 through 4 & 6
- Chapter 3: Subdivision Tentative Plan Procedure
- Chapter 5: Platting and Mapping Standards
- Chapter 7: Modifications, Subdivision Regulations

Realization 2020 Comprehensive Plan

- Chapter 2: Residential Section. Policies: 1, 3, 4, 5, 6, 11

V. FINDINGS

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-4: APPLICATION:

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

[...]

- 3. Type III (Quasi-Judicial) Procedure (Public Hearing). Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council;...**

An application for a PUD / Subdivision was received December 2, 2022. The initial application was deemed incomplete with the Notice of Incompletion (NOIC) mailed December 30, 2022. Additional items were submitted by the applicant’s representative on March 17th and the application was deemed complete for processing March 17, 2023. A public hearing with the Planning Commission was scheduled at the earliest available date of June 13, 2023. The applicant or any party with a standing for appeal may make appeal to the City Council in accordance with FCC 10-1-1-7. These criteria are met.

- D. Evidence Submittal: Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted at least thirty (30)**

days prior to the hearing as provided in Subsection 10-1-1-6. (Amd. By Ord. No. 30 Series 1990)

The applicant has submitted an application for a tentative subdivision and accompanying modifications, including associated public works improvement plans and written narratives addressing the applicable approval criteria. The applicant submitted materials relied upon on December 1, 2022 and March 17, 2023, well beyond the 30 days required in accordance with this code section. This criterion is met

10-1-1-5: GENERAL PROVISIONS

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

Consistent with FCC 10-1-1-5, the City shall take final action on the subject application, including all appeals, within 120 days from the date the application was deemed complete, unless the applicant requests an extension in writing. 120 days from the date the application was deemed complete is July 15, 2023. On April 20th the applicant's representative Hailey Sheldon extended in writing the 120-day deadline 20 days.

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

A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:

- 6. Planned Unit Developments, preliminary and final plans**
- 8. Variances**
- 10. Other applications similar to those above which require notice to surrounding property owners and a public hearing.**

FCC 11-7-1: Application for Modification (of provisions of FCC 11-2-6 & 10-36)

The application associated with the proposed tentative subdivision plan qualifies for a Type III quasi-judicial review under this Section and FCC Title 11, Chapter 7: Modifications. The applicant has applied for a Preliminary Planned Unit Development Plan, tentative subdivision plan, and modifications to provisions of Chapters 2-6 of Title 11 and Chapter 36 of Title 10.

B. Notification of Hearing:

1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.

[...]

2. **Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notice of the application was provided to property owners within 300 feet of the subject property on May 24, 2023, 20 days prior to the June 13, 2023 public hearing and the property was posted on the same day. The public hearing notice was published in Siuslaw News on June 9, 2023. The 300 feet noticing was performed because the application includes a Planned Unit Development, modifications (variances) and a tentative subdivision plan that does not use conventional techniques.

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

1. **The notice shall:**
 - a. **Explain the nature of the application and the proposed use or uses which could be authorized;**
 - b. **List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
 - c. **Set forth the street address or other easily understood geographical reference to the subject property;**
 - d. **State the date, time and location of the hearing;**
 - e. **State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
 - f. **State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
 - g. **State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
 - h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
 - i. **Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

Notice of the application and pending land use action was provided to property owners within 300 feet of the subject property on May 24, 2023. The notice included all required information. This criterion is met.

- D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10. E. Action by the Planning Commission:**
- F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.**
- G. Limitations on Refiling of Applications: Where an application has been denied, no new application for the same purpose shall be filed within six (6) months of the date the previous denial became final unless the Planning Commission can show good cause for granting permission to do so.**
- H. Consolidated Procedures: Whenever possible an application for development such as a Conditional Use, Variance, or other action requiring Planning Commission approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 4, Series 2011)**
- E. Action by the Planning Commission:**
- 1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
 - 2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
 - 3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
 - 4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

The Planning Commission held a duly noticed public hearing on June 13, 2023, in accordance with the procedures of FCC 2-3 and FCC 2-10 in order to consider the application and, evidence relevant to the issue, the facts within the record, and any applicable public testimony received. The Planning Commission through these findings drew their conclusion and found the state laws, code criteria and comprehensive plan policies were met or conditioned them to be. These criteria are met.

- F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order**

to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.

Following a decision by the Planning Commission, notice of the action and decision will be mailed to the applicant and any party who has testified either in writing or verbally at the public hearing. These criteria are met.

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. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

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

[...]

These 25 lots will be single family attached dwelling units. 2 parking spaces are being proposed for each individual unit, one in the individual lot's driveway and the other in a single car attached garage. Minimum standards by use are met.

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

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

Single Family Dwelling Including attached and detached dwellings	2 spaces per dwelling on a single lot
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Minimum parking required is 2 spaces per dwelling. Each unit is proposed to have 1 parking space in the driveway and one in the garage. The applicant has proposed a common/shared parking area with an additional 13 parking spaces. Minimum parking requirements have been exceeded. This criterion is met.

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

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off street parking requirements in Table 10-3-1;**
- B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;**
- C. Accessible spaces shall be grouped in pairs where possible;**
- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;**
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.**

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0

The applicant has proposed 1 ADA accessible parking space in the shared/common parking area. This criterion is met.

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.**

Each unit is proposed to have a single car garage and a parking space in the driveway in compliance with the above-mentioned dimension. This criterion is met.

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

4. **Off-street parking for single-family attached dwellings not on the front of the building are permitted in compliance with the following standards:**
 - a. **Development abutting a rear alley shall take access from the alley.**
 - b. **Development that includes a corner lot without a rear alley shall take access from a single driveway on the side of the corner lot. Street classifications, access spacing, or other provisions may require adjustment or variance process. See Figure 10-3-8- A.2.b.**

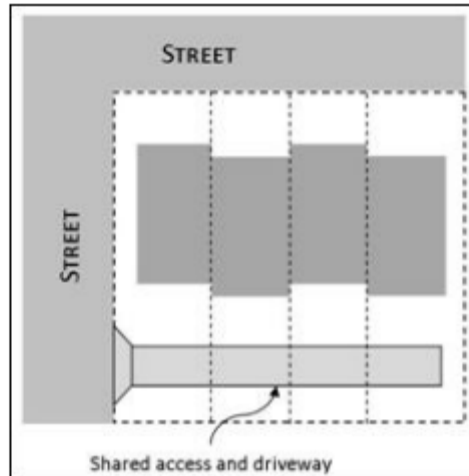


Figure 10-3-8-A.3.b – Single-family attached development with corner lot access.
Image courtesy of the City of Milwaukie, OR.

- c. **Development that does not include a corner lot and does not abut a rear alley shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front of the building and the front lot line of any of the single-family attached dwellings. See Figure 10-3-8-A.2.c.**

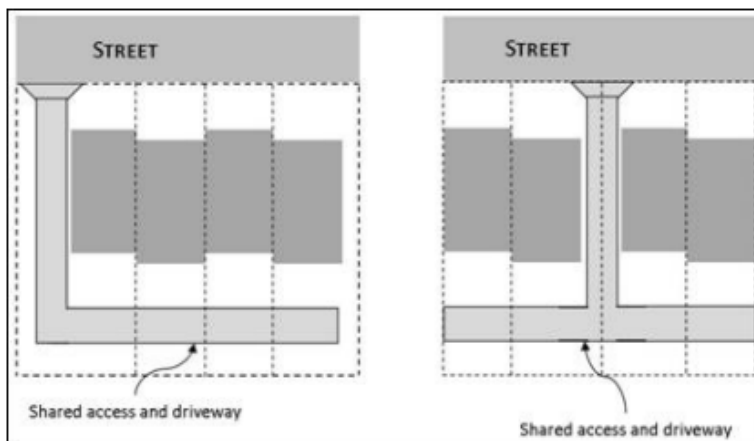


Figure 10-3-8-A.2.c – Single-family attached development with consolidated access.
Image courtesy of the City of Milwaukie, OR.

This development was not designed in a way that allows for a rear alley to access parking areas and garages. This section requires that shared driveways be accessed from a single driveway, rather than the two driveway accesses as proposed. The shared parking area is proposed in common/shared areas and is not located within the front of the building and the front lot line.

The proposed two-way driveways with access on-site does not meet this code requirement, but offers improved circulation efficiency for passenger and emergency vehicles on-site. Due to the topographical constraints on this lot strict adherence to this single driveway access may cause an unnecessary burden

to the applicant for creating an emergency vehicle turnaround that meets Fire Code. There will be further discussion regarding the shared parking and site access later in these Findings.

[...]

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

The proposed shared/common area is not required in conjunction with any of the above-mentioned dwelling types eligible for an exemption, the above-mentioned requirements are applicable. The applicant shall include information on a complete parking lot plan that includes stormwater drainage ensuring no water drains over a public ROW and that parking lot surfacing does not encroach upon a public ROW (**Condition 4.1**). This criterion is conditioned to be met.

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

The applicant has not proposed a landscaping plan, but has stated that landscaping shall be in conformance with City standards and prepared at the time of final design. The presence of stormwater facilitates does not replace this requirement for screening of headlights on to adjacent residential uses. While the adjacent property to the south is not developed, it is zoned residential and parking lot landscaping shall be in compliance with FCC 10-34-3-7-A in anticipation of future residential development (**Condition 4.2**). This criterion is conditioned to be met.

- E. Except for parking areas required in conjunction with a single-family attached or detached, duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage, all parking areas shall provide:**

- 1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph E2 of this subsection.**
- 2. Except for places of ingress and egress, a five foot (5') wide landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Planning Commission may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.**

The shared/common parking area proposed is not required in conjunction with this development and not eligible for the above-mentioned exemptions. Therefore, the above mention standards shall be applicable and met by the applicant prior to final approval of the parking facilities (**Condition 4.3**). This criterion is conditioned to be met.

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

Parking areas as proposed do not extend into the public way. Criterion met.

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

This criterion is not applicable as there are no proposed loading areas or fences with this application.

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

The shared / common parking area shall be required to meet parking lot lighting according to FCC 10-37 for pedestrian and vehicular safety and visibility during dark hours. Lighting requirements will be addressed under FCC 10-37.

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

The proposed parking area appears to be designed in a way that does not necessitate backing onto a street ROW. This criterion is met.

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

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

The proposed parking plan as seen on Sheet 3 of attachment 1 (**Exhibit C1**), is not a complete parking plan. Prior to final PUD approval a complete parking plan shall be submitted to the City planning department for review (**Condition 4.4**). This criterion is conditioned to be met.

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

- 1. Individual parking and loading spaces.**
- 2. Circulation area.**
- 3. Access to streets and property to be served.**
- 4. Curb cut dimensions.**
- 5. Dimensions, continuity and substance of screening, if any.**
- 6. Grading, drainage, surfacing and subgrading details.**

7. **Obstacles, if any, to parking and traffic circulation in finished parking areas.**
8. **Specifications for signs, bumper guards and curbs.**
9. **Landscaping and lighting.**

As stated above not all the elements listed above in the parking plan requirements have been submitted. A completed parking lot plan shall be submitted to the City of Florence Planning Department, with associated design review fees prior to final plat (**Condition 4.4**). This criterion is conditioned to be met

- M. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:**
1. **Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.**
 2. **May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)**

[...]

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for 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.**

The above-mentioned information shall be used to review the parking stall design once a complete parking lot plan is submitted for review (Informational 1).

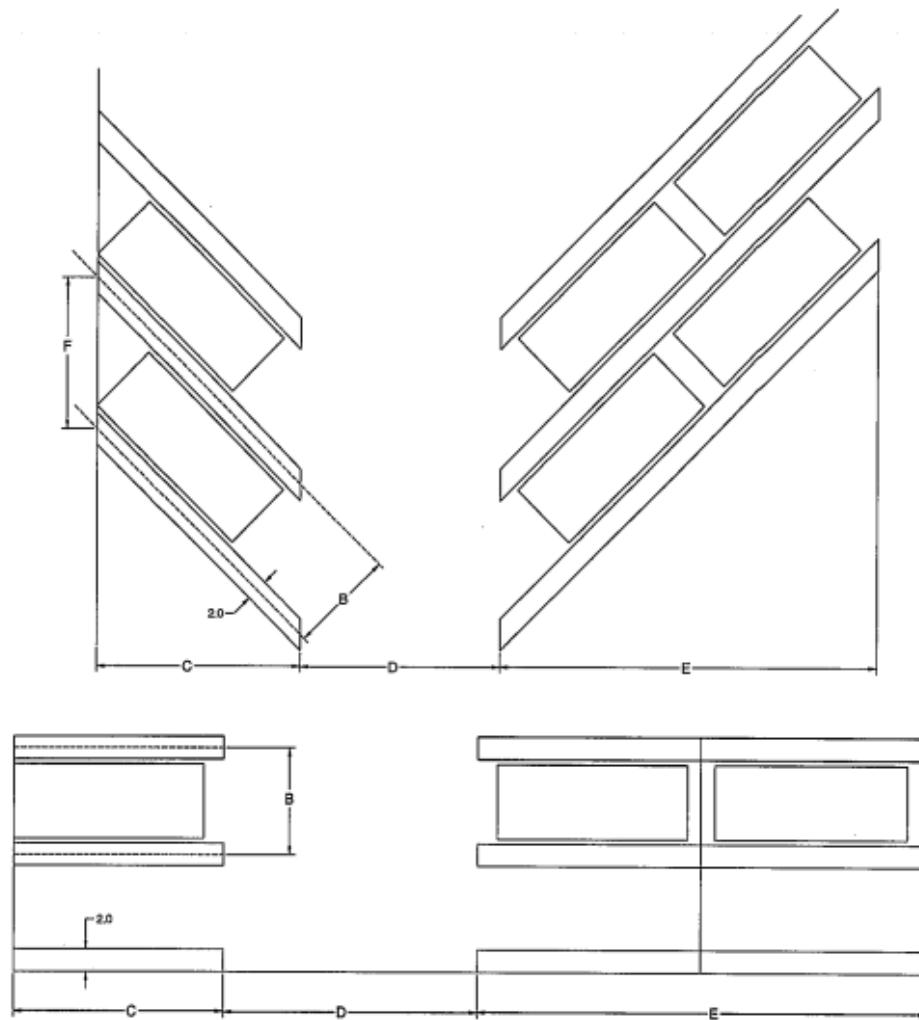


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
Space Dimensions in feet	Parking Angle α	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	33.4	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

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

- A. **Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. **Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.
- C. **Long Term Parking.** Long term bicycle parking requirements are only for new development of group living and residential uses of three or more units. The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building; Tri-plex, Quad-plex, Cluster Housing or Multi-Family = 1 per 3 units/
Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.
 - 1. For residential developments that provide parking through a garage, bicycle parking may be provided as a wall-mounted rack located inside the garage. The minimum clearance distance from the wall to the automobile parking space shall be four feet (4').
- D. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- E. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.
- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.

Long term bicycle parking is required as this is a new development with more than 3 residential units. This will be conditioned and discussed in more detail later in these Findings.

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:

[...]

- 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**

10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS:

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

- H. **Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended): In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Amended Ord. 10, Series 2009)**

The subject property, Tax Lot 1200 is the 3.13-acre lot, and is composed of 100% Yaquina Loamy Fine Sand. The subject property Tax lot 200 is the .21-acre lot that adjoins Oak Street to Lot 1200, is composed of 71% Yaquina Loamy Fine Sand and 29% Yaquina-Urban Land Complex. The soil on-site and water table levels will be discussed in more detail later in these Findings and was addressed in the Stormwater Management report that was recommended for approval by Public Works, but commented that private stormwater facilities will need to be approved and inspected as each lot is built out. The applicant states understanding in the application narrative (**Exhibit B1**) that the plans must be prepared by a registered engineer and approved by the City.

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

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

- A. **Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development**

permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:

1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or
 2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009) Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code.
- B. Permit Fee: A fee to offset the cost of time required to investigate and prepare Findings may be set by Council Resolution.
- C. General Requirements for Phase II Site Investigation Reports shall include at least the following information. Additional information, commensurate with the level of hazard and site conditions shall be submitted.
1. Identification of potential hazards to life, proposed development, adjacent property, and the natural environment which may be caused by the proposed development.
 2. Mitigation methods for protecting the subject property and surrounding areas from each potential hazard.
 3. Acceptable development density.
 4. Identification of soils and bedrock types.
 5. Identification of soil depth.
 6. Water drainage patterns.
 7. Identification of visible landslide activity in the immediate area.
 8. History of mud and debris flow.
 9. In areas prone to landslide, mudflow and where slopes exceed 25%, reports shall identify the orientation of bedding planes in relation to the dip of the surface slope.

10. Recommendations for removal, retention, and placement of trees and vegetation.
11. Recommendations for placement of all structures, on site drives, and roads.
12. Recommendations for protecting the surrounding area from any adverse effects of the development. (Amended by Ord. No. 10, Series 2009)

[...]

10-7-7: REVIEW AND USE OF SITE INVESTIGATION REPORTS

- A. The Phase I Site Investigation Report shall be reviewed administratively through a Type II Review. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated.

If hazards are found to exist, a Phase II report and a Conditional Use Permit shall be required. If a Phase II Site Investigation Report is required, the Phase II conclusions shall be submitted for Planning Commission review.

- B. Required Certifications and Inspections: For any Phase II SIR submitted, the registered professional of record shall be required to:
 1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.
 2. Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans.
 3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.
- C. Conditions of approval may be imposed and/or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects such as erosion, sand encroachment, destruction of desirable vegetation including inadvertent destruction by moisture loss or root damage, spread of noxious weeds, damage to archaeological resources, are mitigated or eliminated.
- D. Approval: The property owner shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and shall state, "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgment or guarantee as to the

functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project.”

- E. **Appeal:** In the case of an appeal, the City shall hire a certified engineering geologist or other appropriate certified professional to review the Phase II Site Investigation Report. All costs incurred by the city to review the development shall be the responsibility of the applicant. (Ord. No. 10, Series 2009)

A Phase I Site Investigation Report (**Exhibit G**) was submitted as part of this application. As the soils and conditions are being reviewed through the stormwater management report and potential hazards are being mitigated through the Stormwater Management Plan (**Exhibit H1**), the SIR will not be reviewed in detail as part of this review process. Mitigation of potential hazardous and risks are addressed elsewhere in these Findings.

TITLE 10, RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE:

- D. **High Density Residential (HDR):** The High Density Residential District is intended to provide a quality environment for high density, urban residential uses together with other compatible land uses determined to be necessary and/or desirable.

The applicant is proposing 25 attached single-family dwelling units. Attached single family Dwelling units are a permitted residential use in the HDR district as seen in Table 10-10-2-A. This development type meets the purpose statement.

10-10-4: LOT AND YARD PROVISIONS:

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

Table 10-10-4-A. Minimum Lot Dimensions by Development Type¹

Type	MDR	
	Width	Depth
All development types including single-family detached ² , except:	50 ft.	80 ft.
Single-family attached dwelling or duet (single unit)	25 ft.	80 ft.

As seen on the tentative subdivision plan (**Exhibit C1**) all lots meet the minimum required 80 feet in depth. Lots 1-22 are proposed to be 98 feet deep. Lots 23-25 are proposed to be 86 feet deep. However, all lots are proposed to be 18.75 feet in width which is below the minimum required 25 feet. This will be discussed in more detail under FCC 11-7

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

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

Development Type	HDR
Single-family detached dwelling	2,000 sq. ft.
Single-family attached dwelling	2,000 sq. ft.
Duplex or Duet (both units)	4,000 sq. ft.
Tri-plex	5,000 sq. ft.
Four-plex	5,000 sq. ft.

All lots are proposed to be below minimum square footage. Lots 1 through 22 are proposed to be 1,837.5 square feet and lots 23 through 25 are proposed to be 1,612.5 square feet. The applicant is requesting a variance on the minimum square footage of the lots which will be discussed in more detail in section FCC 11-7.

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

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

All 25 individual lots are proposed to exceed maximum building coverage and maximum coverage by all impervious surfaces. The applicant provided the table 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

As seen in the table, all lots exceed the maximum lot coverage by all impervious surfaces by 10.5% to 12%. Except for lots 23 and 24, all lots exceed the maximum building coverage by 0.2% to 3.2%.

The applicant seeks a modification under the PUD 10-23 criteria for maximum lot coverage by buildings and maximum lot coverage by impervious surfcae. This modification request will be discussed in more detail under FCC 10-23. Lot square foot and lot width modification requested will be discussed in more detail under FCC 11-7

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

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

		HDR
Front		
	Primary	5 ft.
	Garage or Carport vehicular entrance wall	20 ft.
Side		
	Primary²	5 ft.
	Accessory Building	5 ft.
	Accessory Dwelling Unit	5 ft.
	Parking Lot, Garage or Carport	5 ft.
	Garage or Carport vehicular entrance wall	20 ft.
Rear		
	Primary	5 ft.
	Accessory Building	5 ft.
	Accessory Dwelling Unit	5 ft.
	Parking Lot, Garage or Carport	10 ft.
	Garage or Carport vehicular entrance wall	20 ft.
<p>¹Single-family detached and duplex dwellings in the HDR District shall have the same front, side and rear yard regulations as the MDR District.</p> <p>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.</p> <p>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.</p>		

The applicant states the proposed development will have the following setbacks:

- Garage: 20 ft Minimum
- Front: 20 ft Minimum
- Attached side: 0 ft
- Unattached side: 10 ft
- Rear: 5 ft (unenclosed porch will be built into the rear setback)

The proposed setbacks for the garage, front, and attached side of the dwelling units meet the setback criteria. Setbacks are measured from the building wall to the property line and meet or exceed the minimum setback requirements in accordance with FCC 10-10.

However the unattached side of the end dwelling units is proposed to be built property line tight with 0 feet of setback on the individual lot. There is 10 feet of proposed openspace held in common ownership between unattached sides if the buildings, but this does not meet the setback requirements as it is not included in the individual lot. The individual lots with unattached sides shall be adjusted in size to accommodate the 5 foot minimum setback reserved as an access easment for emergency response personnel or utility crews or the applicant’s proposal shall be reviewed as a modification to minimum side yard setbacks under FCC 10-23 (**Condition**). The applicant has already requested a modification to reduce minimum lot width under FCC 11-7, the application has the opportunity to also request a modification to require side yard set back under FCC 10-23. This increased lot width would apply to lots 1, 3, 4, 7, 8, 11, 12, 14, 15, 18, 19, 22, 23, and 25.



The applicant states in an email received June 1, 2023 (**Exhibit N**) that the proposed “unenclosed” back porch will be constructed of wood materials, with a privacy wall between units, covered with a roof, and the master bedroom will have a deck off the 2nd floor rear elevation. Lots 23 through 25, which are the shallowest of the lots provide an additional setback beyond the porch, but is not dimensioned to allow staff to determine if this meets minimum front yard set back requirements off of Oak St.

FCC 10-2-3 regarding building setback requirements does not specifically address rear yard setback requirements and exceptions, but does address side and front yards. Structures in the front yard setback that have an exception to the setbacks include “porches having no roof covering and not being over 3 ½’ high.” Exceptions for side yard setbacks include only eaves and cornices measured no more than 2 feet. The rear deck/prorches do not meet these exceptions for being allowed in the setback area. Therefore, the applicant’s proposal shall be reviewed as a modification under FCC 10-23 (**Condition 6.2**). These criteria are either met or conditioned to be met.

10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

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

The specific dimension of the buildings was not included in their entirety with this application, but was stated the buildings would be similar to the Oak Commons attached single family dwelling units and dimensioned building plans were submitted by the applicant. Buildings are proposed as 2 stories and the applicant clarified via email on June 1, 2023 (**Exhibit N**) that the anticipated average grade to peak of roof height will be approximately 27 feet. No exception or modification was requested for this criteria. The building height will be reviewed for code compliance at the time of Building Plan Review (**Informational 2**). Chimneys are illustrated on the plans but are not present at either Oak Commons or Jasper Lane where these plans were previously used. Chimneys are not subject to the height limits in this criterion. This criterion is anticipated to be met.

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

No accessory structures were proposed on the individual lots. This criterion is not applicable.

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

No accessory dwelling units are proposed by the applicant. This criterion is not applicable.

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

Nonresidential structures were not proposed by the applicant. This criterion is not applicable.

- 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.**

The applicant has stated the dwelling units will be similar to the Oak Commons units which had a 5/12 roof pitch. The housing units for Myrtle Glenn are anticipated to have the same 5/12 pitch, but will be verified during building plan review for code compliance (**Informational 3**). This criterion is anticipated to be met

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

Fences are not proposed as part of the tentative subdivision plat process. Criterion not applicable.

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

Vision clearance standards are addressed under FCC 10-35-2-14.

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

Per FCC 10-3-1.A, each lot associated with the subdivision shall have two off-street parking spaces per dwelling unit. Each unit is proposed to have one off street parking in the driveway and another in the attached single car garage. In addition to the parking provided on the individual lot, 13 off-street parking paces are proposed in common areas. Off-street vehicular parking requirements have been met. The garage and driveway parking stalls shall be maintained as vehicular parking for the use of the single-family attached units and not be converted to another use (**Condition 6.3**).

In accordance with FCC 10-3-10-C1 long term bicycle parking storage is required for residential uses of three or more units. As the entire tentative PUD/Subdivision has 25 units and each building has a minimum of 3 units this criteria applies. In accordance with FCC 10-3-10-C1 long term bicycle parking may be provided through a wall mounted rack inside that garage provided that the minimum clearance from the wall to the automobile parking space shall be four feet. Dimensions of the garages have been included on Attachment 7, Sheet 2 (**Exhibit 1**). The garages are proposed at approximately 12.94 feet in width.

$$9.25'' + 10' + 2.17' = \sim 12.94 \text{ feet in width}$$

The average car width varies based on make and model, but is typically around 6 feet in width. Based on the average width of a car and the width of the garages there is likely not 4 feet of clearance between the interior of the wall and the car parking spaces and long-term bicycle parking will likely be required in a location other than private garages to meet this parking requirement.

The applicant shall either provide long term bike parking that meets the above requirements in accordance with FCC 10-3-10-C or the applicant shall provide other long term bicycle parking onsite in accordance with FCC 10-3-10, this required long-term bicycle parking may either be located on individual sites or in common space (**Condition 6.4**). This criteria is either met or is conditioned to be met.

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

The applicant has not proposed signs as part of this application, as stated in the applicant narrative. All signs proposed in the future shall be in compliance with FCC 4-7 and any applicable sign permits should be applied for the the Florence Building Department (**Informational 4**).

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

Landscaping standards and requirements of FCC 10-34 are discussed in the report under Title 10, Chapter 34.

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

Access and Circulation requirements of FCC 10-35 are discussed in the report under Title 10 Chapter 35.

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

Public Facilities requirements of FCC 10-36 are discussed in the report under Title 10 Chapter 36.

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

The applicant proposes only street lights as depicted on Attachment 1 Sheet 3 (**Exhibit X**) and lighting affixed to individual townhomes. The applicant states that lighting affixed to individual townhomes will meet the standards of FCC 10-37-4-A. Lighting in the shared / common parking area shall meet Code requirements of FCC 10-3 and 10-37 and is conditioned elsewhere in these Findings. This criterion is met or is conditioned to be met.

TITLE 10: CHAPTER 23: PLANNED UNIT DEVELOPMENT (PUD)

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

- A. Encourage the coordinated development of unplatted land.**
- B. Encourage innovative land utilization through a flexible application of zoning regulations.**
- C. Preserve the natural amenities of land and water.**
- D. Create opportunities for a wide variety of life styles by creating a variety of dwelling types that help meet the needs of all income groups in the community.**
- E. Provide for the efficient use of public utilities, services and facilities.**
- F. Result in a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.**

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

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

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

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

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

10-23 10-23-3: DEVELOPMENT OPTIONS:

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

A. For the Low Density Residential District:

- 1. All uses permitted in the designated zoning district including uses requiring design review.**

2. **Single family attached dwellings**
3. **Duplexes, triplexes and quadplexes,**
4. **Multi-family dwellings**
5. **Open space and Parklands**

B. For all other districts:

1. **All permitted uses in the designated zoning district including uses requiring design review**
2. **Triplexes, quadplexes and multiple-family dwellings**
3. **Open Space and Parklands (Ord. No. 2, Series 2011)**
4. **Commercial uses**
5. **Temporary use of vacant lots for RV use**

The proposed development includes single-family attached units and open space. All proposed uses of the PUD are allowed within the HD zoning district upon Planning Commission approval.

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

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

The intent and purpose of the Florence Realization 2020 Comprehensive Plan is to establish a coordinated land use planning process and policy framework to guide land use decisions and related actions; assure an adequate factual basis for those decisions and actions; and to comply with the applicable requirements of state law. The stated purpose of the Plan is to provide the city with a definitive set of policies to guide future development of the community; enable the City to view specific projects against desirable long-range development decisions; provide a suitable forum for public discussion; convey community concerns regarding physical development problems and opportunities as they relate to social and economic issues; and to provide a framework by which standards may be applied to achieve a viable and aesthetically pleasing community.

The subject site is designated High Density within the Plan. The corresponding zoning district is High Density and modifications to the underlying zoning are available through the planned unit development process. Residential section Policy 1 of Chapter 2 of the Plan encourages the use of residential planned unit development subdivisions noting that trade-off to conventional zoning requirements and density limitations may be requested to achieve the purpose of a planned unit development. The applicant's proposal is 22% below the minimum density, has lots that do not meet lot dimensions, setbacks and coverage. It includes preservation of a vegetated hill and inclusion of additional on-site parking. For these reasons a PUD is the only process available for the project.

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.

To the north and east are modest sized high density single family detached PUDs. These are mostly single-story units with some two story. For more than two blocks in any direction there are no

townhomes. There are several one-story duplexes and there is one single-story four-plex two blocks to the east.

The proposed development consists of single-family attached homes using the same plans as those constructed for 32nd St. Oak Commons PUD. The same plans were also used for the Jasper Lane townhome PUD north of 9th St. between Juniper and Hemlock. Oak Commons has a length of twelve units in three building groupings along 32nd St. and another four units in one building oriented perpendicular to the others. For comparison, Jasper Lane consists of 12 units in four groupings with a length of four units oriented along 9th St. and another four oriented on Jasper Lane and the remaining perpendicular to the others. This proposal consists of a row of twenty-two townhomes in six groupings oriented along 37th St. and another three oriented perpendicular to these with frontage on Oak St. The long stretch of two-story units in masses as large 7200+ sq. ft. on a street is a departure from the character of the adjacent uses. The units are setback from proposed 37th Street with both streetside and on-site swales separating the units from the street. The development is part of a larger property that is zoned High Density and so will see future development to the south.

Development trade-offs are available in a PUD but are required to include architectural elements from 10-6 (Old Town & Mainstreet Districts) or better and so should complement and in some cases exceed the design of the surrounding homes. The presence, diversity and quality of landscaping and vegetated buffers can address the departure of character of the building mass. Additionally, there is more the developer can do with the design of each grouping of units to address adjacent compatibility. To break up the long expanse of building façades along 37th St. and better integrate with the character of the existing neighborhood uses, the Final PUD submittal shall include different exterior designs for each grouping of town home units. This is to include but is not limited to a diversity of building materials and colors, window designs, garage door designs, roof eaves and similar details etc. **(Condition 7.1)**

Both PUDs to the north and the east (East Bank and 38th Loop) which are the newest developments in this area include professional landscaping along their entries and street frontages that consist of a diverse offerings of trees and shrubs. No landscaping is proposed for this development. "Storm basins" are proposed but did not include planting plans for these systems. The narrative (Exhibit B page 6 of 26) states that the buffer of trees and shrubs along the north will be retained. However, the "grading plan" in Sheet 5 illustrates 4 to 2 foot contour modifications for a portion of this buffer area and obscures the plans for the remainder. Testimony was submitted from an owner to the north with concerns about the impact on his solar access and loss of buffer from the development. While the development is not proposed to be as tall as permitted within the zone the buffer appears to be removed in part or whole. With Final PUD the applicant shall submit a final grading plan illustrating all cuts and fills and final 1 ft. contours and grades to the edges of the development on all sides **(Condition 7.2)**. With final PUD application a landscape and vegetation retention plan shall be submitted for the entire development. The buffer to the north shall include trees and shrubs planted or retained at a ratio of one tree per 30 ft. The Oak St. frontage and the 37th St. frontage adjacent to unit 25 shall include landscaping to compliment that of the 38th Loop development immediately north on Oak St. consisting of a tree for every 30 feet of frontage **(Condition 7.3)**.

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

The proposal includes 25 townhomes with ingress and egress exclusively at a new local street--37th St. Any additional dwellings will require a secondary emergency access. The stated trip count did not trigger a Traffic Impact Analysis. The proposed street stub for East Myrtle Loop aligns with that to the south. With the TSP underway additional improvements to 35th St. have been identified. These have not been adopted and as such are not implementable on this proposal. The proposal consists of two single access points for the 25 homes rather than individual driveways. This is far superior to multiple access points onto 37th St. consolidating vehicle approaches and departures from the development resulting in a safer vehicular and pedestrian experience for the neighborhood.

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

The applicant submitted a utility plan. It details how the proposed development will be served by water and sewer utilities and services extending from those existing in 37th St. The SVFR Chief provided referral comments about the adequacy of the access which is discussed elsewhere in the report. Public Works also submitted comments on the proposed utility plan. The corrections for utilities and accesses shall be addressed and provided in a revised utility and access plans submitted for review and approval with Final PUD submittal (**Condition 7.4**).

Additionally, the applicant supplied a Stormwater Management Plan and drainage basin plan which describes how stormwater treatment for on-site and street runoff will be handled within planted bioswales and planters. Street run-off will be processed in right-of-way systems and on-site drainage will be managed in on-site systems. Both on-site and street systems propose to overflow into pipes within the right of way and connect to 36" pipe in the 15' wide easement traversing from East Bank south to 35th St. The on-site treatment systems are labeled storm basins which is not a type of system in the Florence Stormwater Design Manual. There are additional design elements that are not called out or do not meet design standards. The stormwater plan states that refinement plans will be submitted that address capacity of the existing system and modifications will be made to conform to city standards. The final stormwater management plan shall be submitted for review and approval with Final PUD submittal. It shall include treatment and conveyance systems that meet city design typicals and it shall include consideration of capacity of existing system and an increase in detention pipe size as needed (**Condition 7.5**).

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

As conditioned within this report this criterion can be met.

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

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

The combined development is 3.3 acres. This criterion is met.

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

The properties to the north and east have front yard setback requirements of 10 feet. The applicant proposes a 20' setback to the north along East Bank and an 8.83 foot setback to the north of the townhome #23 on Oak St. The grouping containing units 23, 24, and 25 shall be located to provide a 10 ft. setback along the northern yard. Subsequently, the parking spaces facing 37th St. adjacent to unit 25 shall be labeled compact (**Condition 7.6**).

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

No reduction has been requested and 13 additional spaces are provided. Parking criteria are discussed earlier and are conditioned to be met where needed.

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

All new utilities illustrated appear from the Utility Plan to be placed underground and are stated to be so in the applicant's narrative.

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

- Indoor or outdoor recreation area
- Play fields or outdoor playgrounds
- Indoor or outdoor sports courts
- Swimming pools
- Walking or running fitness courses
- Pedestrian and bicycle amenities meeting park industry durability standards

- **Other recreational amenities determined by the Planning Commission to fulfill the purpose of this Chapter**

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

1. **Open space will be suitably improved for its intended use, except that common open space (outside the required 25% of recreation use area) containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open spaces shall be appropriate to the uses, which are authorized for the open space.**
2. **The development schedule which is part of the development plan shall coordinate the improvement of the open space and the construction of buildings and other structures in the open space with the construction of residential dwellings in the planned unit development.**
3. **If buildings, structures or other improvements are to be made in the open space, City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. In this case, the City Council shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.**
4. **The following areas are not acceptable for recreation area required as part of a PUD: (Ord. 2, 2011)**
 - a. **Hillsides over five (5) percent slope; (Ord. 7, 2019)**
 - b. **Land in the floodway, floodplain, or required riparian or wetland buffer, unless trails, benches, picnic tables and similar above are incorporated;**
 - c. **Roadside ditches;**
 - d. **Monument entry areas and central landscaped boulevards;**
 - e. **Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events;**
 - f. **Parking areas and road rights-of-way that are located within the parkland, open space, or common area, except for parking that is required specifically for use of the parkland;**
 - g. **Yards, court areas, setbacks, or other open areas required by the zoning and building ordinances and regulations shall not be included in the computation.**
5. **A portion not to exceed 50% of open space and recreation area requirements may be met with a fee-in-lieu if the proposed PUD is within one quarter (1/4) mile of underdeveloped parkland as measured on public rights-of-way with reasonable pedestrian and bicycle connections to the parkland. The fee for open space shall be calculated by multiplying the sq. ft. of open space area being met with fee-in-lieu**

multiplied by the average square foot value of abutting real property as shown on the current Lane County assessment roll, less a percentage for easement retained for public use. The fee for recreation area will include the open space methodology and additional fee for improvements planned for the underdeveloped parkland as identified in the Parks and Recreation Master Plan or in a City Council approved community park plan for that park.

The applicant in part of the narrative proposes that the standards in 10-10-7 related to Open Space supersede these standards and thus require only 2,500 sq. ft. of open space. The wording of this 10-10-7 code adopted in 2019 is an unintended consequence.

The open space proposal includes retention of the hillside to the west and a buffer area to the north to remain in common area and decks and patios for each unit on their individual lots. Exclusive of the patios and decks and area with >5% slope the open space totals approximately 21,316 sq. ft. Later in the applicant's narrative under a review of 10-23 the proposal includes a breakdown of open space types and calculations meeting code. This includes a proposal for a recreation/park area to be platted at 5,833 sq. ft. (meeting the 25% of the 20% of open space requirement) and developed at a later date. Figure 4.5 of the Park Master Plan includes the entirety of this site and most of the property to the south in underserved Area #11 of the Mini-& Neighborhood Park service areas. The addition of the platted park recreation resource albeit private would serve this area and fill the deficiency identified in the Park Master Plan.

Related to FCC 10-10-7 superseding 10-23, PUD's are unique and universally by design include open space. Comprehensive Plan policy #5 specifically states recreational area be provided in order to obtain PUD approval. Requiring single family detached PUDs as the only residential uses requiring substantial open space when they typically have yards on individual lots is not the intent of the PUD code, comp plan policy, or 10-10-7 code. With more housing density provided by attached housing a greater concentration of population of all ages occurs necessitating the need for open space for people to recreate actively and passively. Using 10-10-7 exclusively, this development as proposed does not meet the comprehensive plan policy for recreation space. It does meet the 10-23 20% open space standard. The applicant's later proposal to construct park recreation area can meet code with conditions of approval related to timing. Later criteria discuss modifications to code and the requirement for additional recreation area being required. This section shall be used to address the conditions imposed in that section.

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

Because the subject site contains Yaquina loamy fine sand as identified by the City of Florence Soils Map there is a requirement of a Phase 1 site investigation report. A Phase 1 site investigation has been provided. The proposal includes preservation of most of the hill to the west which according to the Hazards Map is the border of a stabilized advancing edge of a dune. The map also illustrates a creek traversing through the property. The wetlands study did not find surface water in the tested areas of the site, which include the project site. The testing did not include the western and southern areas of the property that are not part of this project. The stormwater management report states the

groundwater can be as high as 2 ft. above grade. The narrative includes the hill area (17,438) as part of a calculation for open space totaling 38,754 sq. ft. The hill area should be protected to preserve adjacent developed areas and thus count as proposed towards meeting the open space. Criterion met.

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

The High Density District supports a mix of uses. The project does not include a mix of unit types or densities. There are two different sizes of town homes (which does not affect the density levels) and the project's mix of uses include residential and eventual recreation use. Commercial uses are not proposed with this development. Approving this homogenous scenario illustrates that the specific site, the long strip of land being proposed is suitable for the intended use. With further development to the south where secondary emergency access can be provided a balanced variety of densities and dwelling types are expected and required if a PUD development is sought (**Informational 5**).

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. 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**
- 2. Incorporation of unique land forms into the final PUD design**
- 3. More recreation space than the minimum required**
- 4. On-site amenities reflecting the value of both active and passive recreational facilities**
- 5. Natural resource protection, where identified as part of a preliminary site investigation report**
- 6. A mix of dwelling unit types and densities**
- 7. A mix of residential, commercial, and recreational uses, where zoning permits**

The following modifications have been identified during review of the applicant's submittals. It is not intended to be an exclusive list. Following each one is the justification for the being a modification rather than a variance under 11-7. There are others that have been conditioned to be met.

1. Minimum density—the property could be developed with smaller and more units to meet the density. The property is part of a larger parcel that could have been configured differently to meet the minimum density requirement.
2. Minimum lot size—the lots could be longer and meet the minimum lot size, the proposed layout is superior to a conventional townhome layout.
3. Front and side yard setbacks—the lots utilize a narrower width of townhome that includes just the footprint so as to keep the rest of the development in common ownership with more control over its appearance.
4. Covered patio for townhouses—the home layout intends to utilize an existing floorplan and design used elsewhere in the city. It is assumed this is to keep the costs down. Porches could be extended to meet the minimum sq. ft.

5. Lot building coverage—the lots could be larger as discussed and in doing so create the opportunity to meet coverage limitations.
6. Lot impervious coverage-- the lots could be larger as discussed and in doing so create the opportunity to meet coverage limitations.

Because these above modifications are requested the proposal has to achieve the items listed in 1 through 7 above. The architectural standards have been conditioned earlier in this section to comply and provide a higher standard through the diversification of building materials, colors and window and door designs. The plan includes the incorporation of unique land forms through retention of the hillside to the west. A mix of dwelling unit types and densities has been addressed through an informational statement related to future southward development where and when secondary emergency access will be available. This leaves the discussion of recreation space. The applicant proposes private recreation area in the form of a park for the use of this development and those that develop later within this same larger property. This recreation area meets the minimum criteria but is proposed to be developed much later—8 years. This had been conditioned to be designed sooner or bonded. Additional recreation area needed for the modifications can either be determined to be met through the porches and deck space or additional area be provided elsewhere on the development site. The Planning Commission shall make this determination with their review and approval. If the PC decides additional space other than decks and patios is required the applicant shall with Final PUD submit a development plan for the quantity and amenities required to meet the modification criteria of 10-23 and 11-5 (**Condition 7.7**).

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

- A. Easement necessary to accommodate existing or proposed public utilities.**
- B. Streets, bikeways and pedestrian paths necessary for the proper development of either the PUD or adjacent properties.**
- C. Common open space, recreation facilities, parks and playgrounds necessary and appropriate for the owners, residents, patrons and employees of the PUD. Maintenance, repair, insurance and related obligations are the responsibility of either:**
 - 1. The developer; or**
 - 2. An association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.**

Easements are proposed and no additional ones have been identified as necessary. With this development no pedestrian amenities other than the sidewalks have been proposed nor are they required in the TSP or code. Further development to the south could trigger the requirement to meet maximum block length and/or perimeter which could be met with a multi-use path or other accessway. The applicant proposes recreation park area to be reserved as common open space area for this development. The proposal states the park would be maintained by the Myrtle Glenn development but available for use by the remainder of the residents within the area between this project and 35th St. This

proposal will need to be addressed in conjunction with Final PUD. The applicant shall with final PUD submittal provide a tentative concept and location layout and provide a list of intended development amenities for the park area supporting both active and passive recreation. Prior to issuance of the building permits for the fifth cluster of units the applicant shall submit and have approved a Final PUD approval for the proposed park land, which shall constitute a second phase of this PUD. The final PUD shall consist of a PC review and approval of the proposed design and timeline for the park's construction and partition. Prior to final permit issuance for the last building the parkland shall be partitioned and constructed or bonded (**Condition 7.8**).

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

The proposal includes a design team consisting of a land use planner, engineer, surveyor, and contractor. The landscape plans required and conditioned will be performed by a licensed landscape design professional.

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

10-23-9: APPLICATION CONFERENCE: An outline development plan accompanied by the application fee, shall be submitted to the Planning Commission by the owner(s) of the properties to be developed. The developer, or the designated professional coordinator, shall meet one or more times together with the Planning Commission's staff and determine whether the requirements of this Chapter have been fulfilled. **Outline Development Plan:** An outline development plan shall include both maps and a written statement as described in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable.

An application specific to this design was not held. Staff did meet with the applicant's design team a couple of years ago about development options for this property, the submittal requirements, process and timeline.

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.**
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.**
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.**
7. **The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking and landscaping.**
 - a. **An off-street parking and loading plan.**
 - b. **A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern shall be shown.**
 - c. **A landscaping and tree plan.**

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

The applicant submitted the information required for Preliminary Plan review. The applicant proposes a delayed park plan submittal to meet the recreation requirement. This has been conditioned elsewhere for submittal.

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

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

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

The applicant shall submit either an extension request or a Final PUD plan for review and approval within one year of Planning Commission approval of the Preliminary Plan (June 13, 2024). There are many land use regulation changes under consideration that if adopted may affect a request for extension (Condition 7.9).

10-23-15: PHASED PLANNED UNIT DEVELOPMENT:

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

A phased plan is stated to not be proposed. However, the park land for recreation use is a proposed to be arranged at a later date. This project element has been conditioned elsewhere and constitutes a phased development subject to timelines and expiration associated with the construction of the residential units since they are amenity associated with the development.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2: VEHICULAR ACCESS AND CIRCULATION:

10-35-2-1: Intent and Purpose: This Section implements the access management policies of the City of Florence Transportation System Plan. The intent of this Section is to manage vehicular and bicycle access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system in a cost-effective manner.

10-35-2-2: Applicability: Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. Access to a designated state or county highway is subject to the provisions of this Section in addition to the

requirements of the applicable roadway authority. Where regulations of the City conflict with those of the roadway authority the more restrictive requirements apply.

This PUD and subdivision application includes accessing Oak St, which is designated a collector within the City of Florence. The applicant is also proposing on-site circulation for the 25 dwelling units which will access the dedicated 37th St. extension. Therefore, this section is applicable.

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 has included "apply for public work permits and building permits" for August of 2023 on the timeline included. Based on the timeline it is anticipated that the applicant will apply for all necessary Public Works permits, including but not limited to "Construction Permit in the Right-of-Way" to make modification and improvement to the west portion of the 37th and Oak St intersection. This is required to be completed or bonded prior to final plat review and approval. This criterion is anticipated to be met.

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

The subject lot will access Oak St, which has a collector classification inside Florence Jurisdiction. This section is not applicable.

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

A. The Traffic Impact Study shall:

- 1. Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.**
- 2. Utilize the analysis procedures of the Highway Capacity Manual, latest edition.**
- 3. Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.**

4. **Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.**
 5. **Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city's adopted Level-of Service standards. The study shall also propose funding for the proposed mitigation measures.**
- B. The applicant shall consult with City staff to determine the content and level of analysis that must be included in the TIS. A pre-application conference is encouraged.**
- C. Conditions of Approval: The City may deny, approve, or approve a development proposal with appropriate conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval should be evaluated as part of the land division and site development reviews, and may include but are not limited to:**
1. **Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.**
 2. **Access adjustments, where proposed access points do not meet the designated access spacing standards and/or have the ability to align with opposing access driveways.**
 3. **Right-of-way dedications for future improvements.**
 4. **Street improvements.**
 5. **Turn restrictions such as "right in right out".**

The applicant is proposing a local street development that will serve 25 individual single family attached dwelling units with sole outlet to Oak St, which is classified as a collector street. The applicant maintains that no Traffic Impact Analysis/Study is required in association with this development based on this development being anticipated to generate 180 average daily trips (ADT), no variance to the accesses and circulation standards are requested, and the alignment of the existing East Myrtle Loop resulting in a 4 way stop with the future East Myrtle Loop once developed.

Criteria for warranting a Traffic Impact Study (TIS) is regulated by FCC 10-1-1-4-E and includes the following applicable conditions:

- b. Any proposed development or land use action that may have operational or safety concerns along its facility(s), as determined by the Planning Director in written findings*
- c. The addition of twenty-five (25) or more single family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.*

- g. The Planning Director, based on written findings, determines that a TIS is necessary where traffic safety, street capacity, future planned facility, or multimodal concerns may be associated with the proposed development. The City will consider the following criteria when determining the need for a TIS:*
 - i. If there exist any current traffic problems, such as high accident location, poor roadway alignment, or capacity deficiency that are likely to be compounded as a result of the proposed development.*
 - ii. If it is anticipated the current or projected level of service of the roadway system in the vicinity of the development will exceed minimum standards.*
 - iii. If it is anticipated that adjacent neighborhoods or other areas will be adversely impacted by the proposed development.*

Myrtle Glenn is a proposed development that may have operational or safety concerns at the intersection of 37th St and Oak St and therefore a TIS is warranted.

Myrtle Glenn is proposed to have 25 single family dwelling and therefore a TIS is warranted based on the number of units proposed. The applicant provides that based on the Institute of Transportation Engineers Trip Generation Manual 11th Edition that estimates single family attached dwellings generate 7.2 average trips per day, or 180 ADT, below the 250 ADT that warrants a TIS. The Planning Commission is being tasked with determining if a TIS is warranted based on the information provided by the applicant and the applicable Code criteria

The City Planning Director determined that a TIS was necessary to determine the potential for adverse impacts on current traffic conditions, to determine if the development will exceed minimum standards in the vicinity of the development, and to identify if the proposed development will adversely impact adjacent neighborhoods. While the 35th St and Oak St intersection was identified as being adequate in the 2012 Transportation System Plan (TSP), but not included in intersection studies, the current TSP update project has identified this intersection as needing additional traffic control treatments.

Multiple criteria under FCC 10-1-1-4-E are identified as warranting a TIS for the Myrtle Glenn PUD. While the estimated ADT may not warrant a TIS alone, operational safety concerns on City facilities and adverse impacts to adjacent neighborhoods are anticipated as a result of this development. Therefore, the applicant shall have a TIS conducted and submitted to the City Planning Department prior to final plat (**Condition 8.1**). This criterion is conditioned to be met.

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

The 37th Street extension that will serve this PUD will be classified as a local street, therefore the Myrtle Glenn development will gain access primarily from a local street. The applicant has proposed a shared/common parking area between the 37th St ROW and individual lots with two driveway access points onto 37th St. This proposal does not meet minimum street frontage requirements in accordance with FCC 10-36-2-1-A. This criterion will be discussed in more detail under FCC 11-7 as the applicant is requesting a modification to minimum street frontage.

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

- A. For shared parking areas;**
- B. For adjacent developments, where access onto an arterial street is limited and access spacing standards can not otherwise be met;**
- C. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:**
 - 1. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority’s access management classification system and standards;**
 - 2. Driveway stubs to property lines (for future extension) and other design features to demonstrate that the abutting properties may be required with future development to connect to the cross-access driveway;**
 - 3. Fire Code Official-approved turnaround for service drives or driveways over 150 feet long.**

The applicant is proposing 2 shared driveways for access to a shared/common access and parking area rather than an individual driveway access onto 37th St. As previously discussed, this will be discussed in more detail under FCC 11-7 as the applicant is requesting a modification to street frontage requirements. It is determined that a shared access is in the best interest for efficiency of circulation on-site, off-site, and pedestrian safety.

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.**
- 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 driveway access points from 37th St into the shared parking area is proposed at 30 feet in width which exceed the maximum allowed 24 feet in width allowed under this code section. The applicant has not requested a modification for this variation in driveway width. Therefore, the maximum width shall be 24 feet and the minimum width shall be 18 feet to allow for two-way traffic circulation proposed by the applicant (**Condition 8.2**).

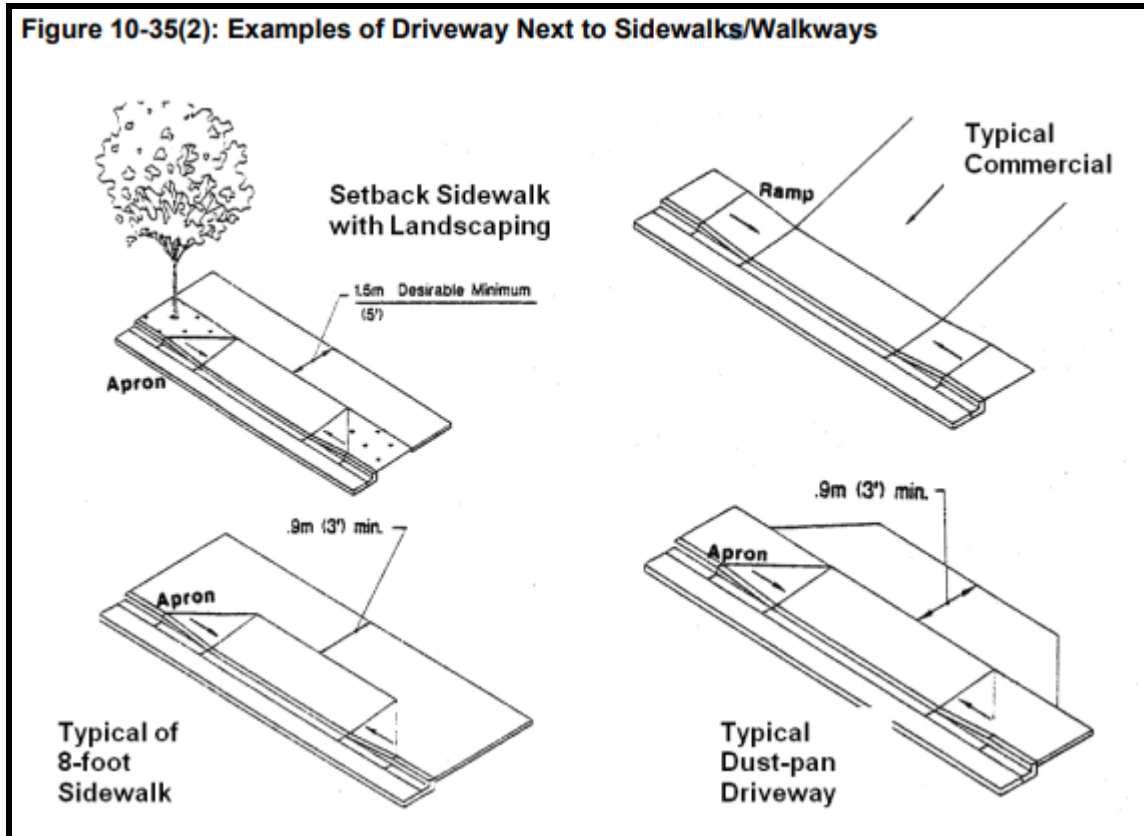
The applicant has proposed a 23-foot wide, unrestricted drive aisle on-site, which meets Code criteria for fire apparatus access.

The grade of the drive way access was not included on the Tentative Access and Parking Plan Sheet 3 of Attachment 1 (**Exhibit C1**). However, the only significant slopes on the site are on the vegetated hill on the western portion of the property. It is not anticipated that the drive way grade will reach or exceed the maximum 15% grade. These code criteria are either met or are conditioned to be met.

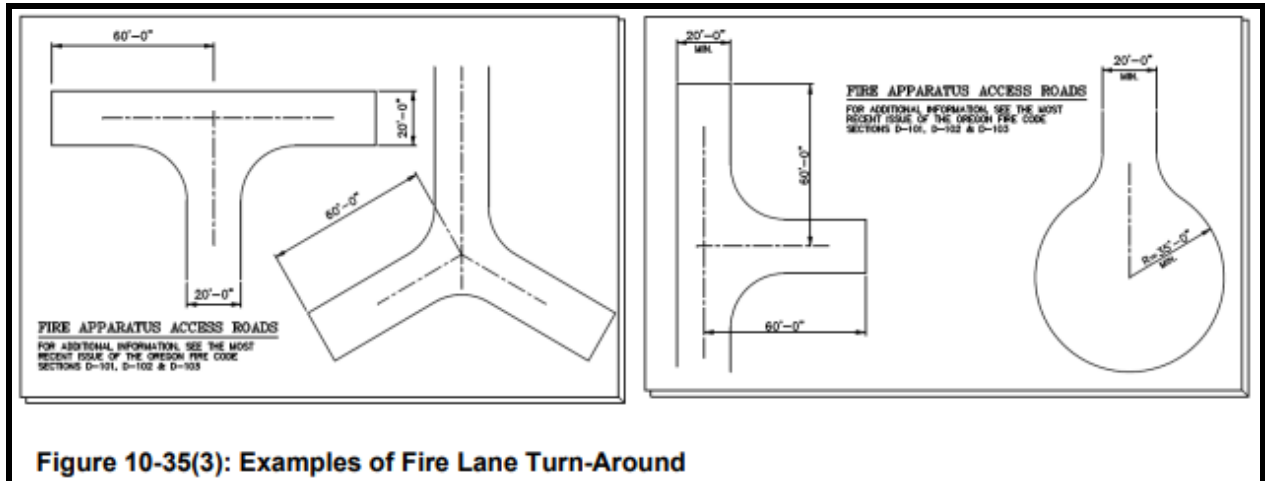
- C. **Driveway Apron Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10- 35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally 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 applicant states that both driveway accesses on 37th St leading into the shared parking area will meet City of Florence Public Work standard specification. This criterion is met.

It should also be noted that the applicant states the East Myrtle Loop stub will also meet driveway apron specification. As a future street to be dedicated to the city it is more appropriate to have this facility built to local street Standards. The East Myrtle Loop stub shall be built to local street standards rather than driveway apron standards as proposed (Condition)

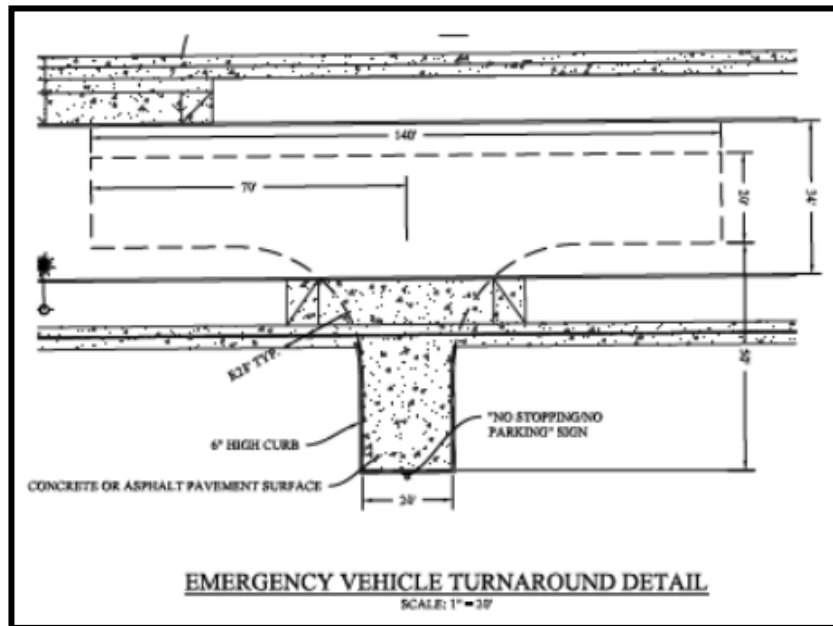


D. Fire access lanes with turnarounds shall be provided in conformance with the Fire code. Except as waived in writing by the Fire Code Official, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from 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 applicant had proposed a fire access turn around location on the south west portion of 37th St approximately 70 feet from the west driveway access point (please see image below) on Sheet 3, Attachment 1 (**Exhibit C1**). The dimensions of the proposed turn around meet fire codes and SVFR Fire Chief reported in his referral comments that this meet fire code requirements.

The applicant has not proposed required signage in accordance with this code section or as part of this application as state in the Applicant Narrative. Sheet 3 of Attachment 1 (**Exhibit C1**), indicates a “No Stopping Parking Sign”. The applicant shall provide examples of signs to be installed that meet this Code section prior to issuance of building permits and all signs shall be installed prior to issuance of first Certificate of Occupancy (**Condition**). This criterion is either met or is conditioned to be met.



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

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

10-35-3-1: Sidewalk Requirements:

- A. Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:**
 - 1. Upon any new development of property.**
 - 2. Upon any redevelopment of property that expands the building square footage by 25% or more.**
 - 3. Upon any change of use that requires more than five additional parking spaces.**

- B. Exceptions: The Planning Commission may issue a permit allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements when, in the Planning Commission's determination through a Type 3 process, the construction of a sidewalk is impractical for one or more of reasons 1 through 4 below. The Public Works Director may issue a permit allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements for reason 5 below:**
 - 1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.**
 - 2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.**
 - 3. Topography or contours make the construction of a sidewalk impractical.**
 - 4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.**
 - 5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.**

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

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

The applicant has proposed 5-foot sidewalks on both side of 37th Street that will be installed to City standards. The 2012 TSP states that sidewalks on a local street should be 5 feet in width plus a 6-inch

curb. The applicant states that the majority of public and common improvements and bond the remainder. In accordance with this Code section, sidewalks shall be constructed and approved by Public Works Department prior to final inspection of the associated building permit. And no Certificate of Occupancy shall be issued until required sidewalks are constructed or financially secured (**Condition 8.5**). Exceptions listed above are not applicable to the subject site. These criteria are met or are conditioned to be met

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

Specific vision clearance was not identified in the applicant’s narrative; however, the applicant does state that the “tentative plan does not preclude adhering to these vision clearance standards. Vision clearance at 37th and Oak Street shall be confirmed during building inspection or by staff site visit prior to final approval to ensure compliance with minimum vision clearance (**Condition 8.6**). This criterion is met or is conditioned to be met.

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

No alleys are proposed. Vision clearance at the two proposed driveways is conditioned above.

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

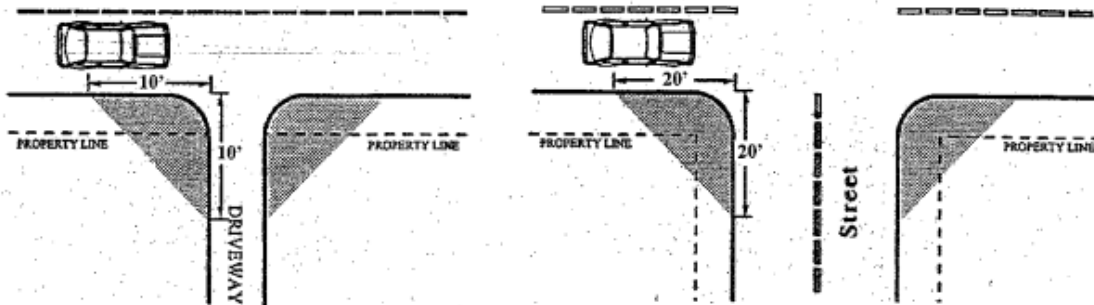


Figure 10-35(4): Vision Clearance Areas (solid lines indicate curbs or edge of pavement)

No landscaping plan was submitted by the applicant for stormwater facilities near driveway access. To perpetually meet and maintain the vision clearance areas as identified in FCC 10-35-2-14, the applicant/developer shall perpetually maintain landscaping within the Vision Clearance Areas so that vegetation does not grow to obstruct vision clearance areas. Additionally, landscape plantings shall be maintained as to not interfere with pedestrian and bicycle access. Further, landscaping shall be maintained so that plants do not grow or obstruct vision clearance areas at internal intersections or intersections with public streets (**Condition 8.7**). This criterion is met or is conditioned to be met.

TITLE 10: CHAPTER 36: PUBLIC FACILITIES

[...]

10-36-2: STREET STANDARDS:

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

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

The proposal includes the creation of 25 new lots through subdivision platting. None of the lots have street frontage. This proposal has been added to the modifications considerations under FCC 10-23 and 11-7. The lots are proposed to all have 2 approved accesses via a common access drive from 37th St. The applicant has included public works permit in the project timeline and states understanding of the requirement to obtain this permit prior to work in the ROW. This criterion is met.

- B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.**

The subject property is proposing 37th Street on the site that will be dedicated to the City and abutts Oak St. Oak Street is classified as a collector and is currently developed at Street Standards consistent with the 2012 Transportation Systems Plan (TSP). Planned street improvements along Oak Street are not abutting this development. The East Myrtle Street stub has been conditioned to be constructed to local street standards. This criterion is met or conditioned to be.

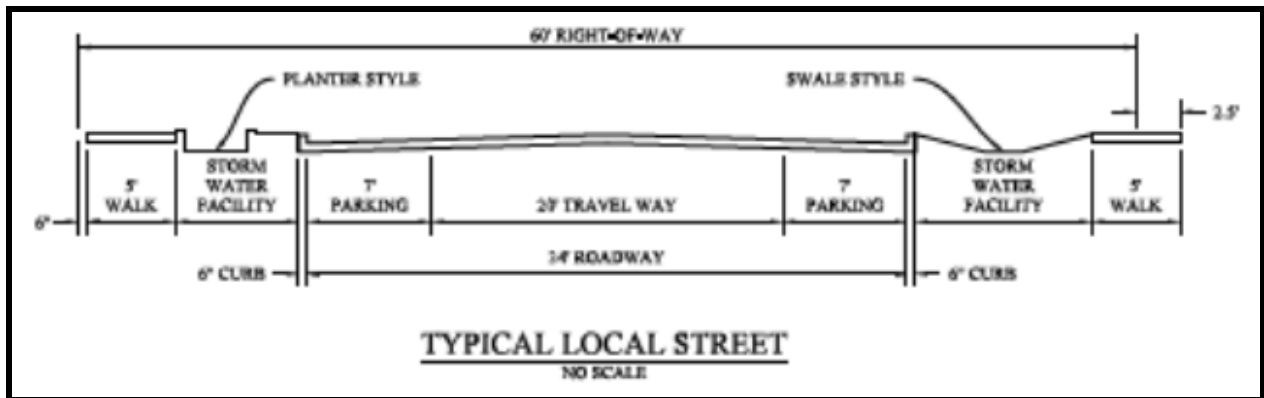
- C. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.**

The proposed subdivision will necessitate the development of a new street to serve the subdivision. The proposed street to serve the subdivision is proposed to be a total width of 60-feet with a 5-foot PUE on each side for stormwater facilities. Sheet 4 illustrates the newly constructed street will be dimensioned to local Florence Street standards. On page 1 of the Revised Application Narrative submitted March 17, 2023 states "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 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"

The dedicated 60-foot public ROW for 37th street and associated facilities with the 5-foot easement on either side of the ROW for sidewalks is acceptable. The below image is not to scale, but demonstrates the typical local street design for the Tentative Stormwater management Plan, Sheet 4 of Attachment 1 and are labeled as 5' Public Utility Easement (PUE) & Public Sidewalk Easement on Sheet 1 of Attachment 1 (**Exhibit C1**). The 5-foot-wide sidewalks are labeled as a 5' PUE on Sheet 2 of Attachment 1 (**Exhibit C**).

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

The proposed sidewalks and street ROW meet City standards for local streets. These criteria are met or conditioned to be met.



- D. All new public streets and alleys shall be paved per the City of Florence Standards and Specifications document. Alleys may also be improved with porous concrete, porous asphalt, permeable pavers such as turf concrete, brick pavers or other materials approved by the City. The City does not maintain alleys.

The new street will be constructed and paved per the City of Florence Standards and Specifications document. Alleys are not proposed as part of the subdivision. This criterion is met.

10-36-2-2: Improvement Guarantee: The City may accept a future improvement guarantee (e.g., non-remonstrance agreement, which certifies that the owner and their successors will not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

- A. A partial improvement does not create a potential safety hazard to motorists, bicyclists, or pedestrians.
- B. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, reduce street safety or capacity.

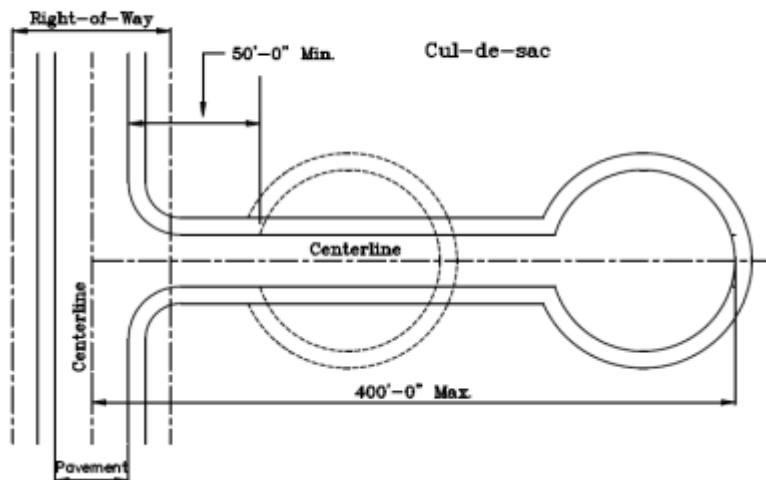
C. The improvement would be in conflict with an adopted capital improvement plan.

The applicant is proposing completing most public and common area improvements and bond the remainder in accordance with procedures in FCC 11-4-4. The applicant states that following final plat approval individual lots and units will be sold as a way to finance the remaining development. No public safety concerns are anticipated as a result of partial completion or negative impacts to adjacent or abutting properties. To minimize negative impacts of stormwater on-site or off site, the stormwater facilities in the ROW and PUEs shall be completed and approved by the Public Works Department prior to issuance of any Certificates of Occupancies (**Condition 9.2**). These criteria are either met or conditioned to be met.

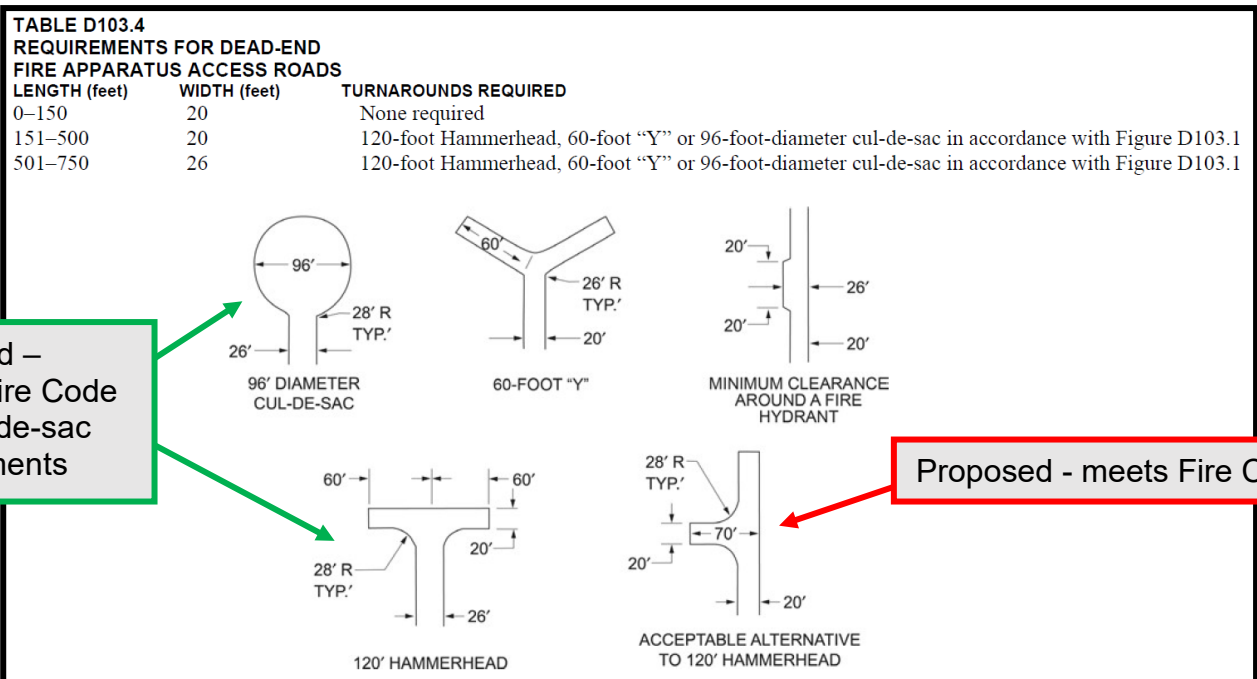
10-36-2-6: Cul-de-sacs: A cul-de-sac street shall only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

- A. The cul-de-sac shall not exceed a length of 400 feet and the minimum throat length shall be 50 feet; the length of the cul-de-sac shall be measured where the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac pavement. The minimum right-of-way for a cul-de-sac may be reduced to 50 feet if approved by the City.**
- B. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Oregon Fire Code. Circular turnarounds shall have a radius of no less than 35 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement), subject to approval by the Public Works Director; except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane minimum of twenty (20) feet in width.**

Figure 10-36(1): Cul-de-sac Design



The vegetated hill on the west portion of the property meets the criteria for topographical constraints that preclude 37th St from extending further west. Additionally, the slope of the hill may exceed that which would meet street standards for development. The applicant has proposed barricades and a 1-foot reserve strip for blocking traffic to adjacent properties. However, that design is consistent with a street that will be developed with future development, such as East Myrtle Loop, not for a street such as 37th that does not have a feasible future connection. The applicant shall revise the access plan and tentative plat to dedicate and construct either a cul-de-sac or hammer head termination for the west end of 37th St that meets City Standards and Fire Codes for fire apparatus turn arounds (**Condition 9.3**). Providing an approved cul-de-sac termination would eliminate the need for the emergency vehicle turnaround and offer a permanent solution for the termination of 37th St. This criterion is conditioned to be met.



10-36-2-9: Street Location and Connectivity:

All street stubs over 150 feet in length shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

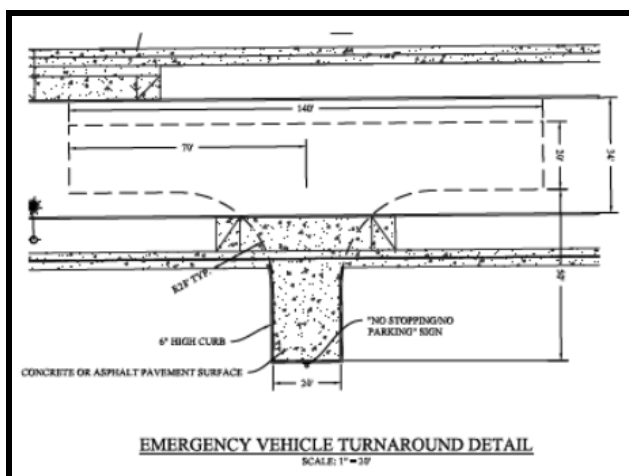
The applicant is proposing a stub of East Myrtle Loop that will be 60 feet wide by 10 feet deep with a 1-foot reserve strip. This is not considered a cul-de-sac since it is anticipated to connect to the existing East Myrtle Loop on the south side of 35th St. There will be a 20-foot-wide emergency vehicle turn around available and onsite circulation in the common parking area. No cul-de-sacs are proposed. This criterion is met.

2. **Developer shall install a Type III barricade at the end of the street. The barricade shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street.**

Barricades at the end of the East Myrtle Loop stub and the west end of 37th St are indicated on Sheet 2 of Attachment 1 (**Exhibit C1**), but the type is not specified. Barricades use for these street ends shall be Type III barricades in accordance with this code section (**Condition 9.4**). This criterion is conditioned to be met.

3. **Temporary street ends shall provide turnarounds (e.g., hammerhead or bulb-shaped configuration) constructed to Oregon Fire Code standards for streets over 150 feet in length.**

The extension of 37th St is 476.77 feet and therefore a turnaround shall be provided. The applicant is proposing a turnaround constructed to Oregon Fire Code standards. This turnaround will be a 36 x 32 feet emergency vehicle turnaround easement. The applicant states this turn around will meet the standard of Oregon Fire Code Figure D103.1 Acceptable Alternative to 120-foot Hammerhead and SVFR Fire Chief states this appears to meet fire code requirements. The proposed turnaround from Sheet 3 is below. While this emergency vehicle turn around meets current fire codes, this shall be a temporary solution and permanent emergency vehicle access shall be developed in conjunction with any development plans on the lot to the south (**Condition 9.5**). Permanent turn arounds were previously discussed in these Findings under FCC 10-36-2-6 in regards to a termination for 37th St that meets City standards and Code. This criterion is met or is conditioned to be met.



10-36-2-16: Sidewalks, Planter Strips, Bicycle Lanes: Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with applicable provisions of the Florence Transportation System Plan, Comprehensive Plan, adopted street plans, City of Florence Standards and Specifications and the following standards:

- A. **Sidewalks may be placed adjacent to the street or at the property line planter strips where practicable, or as otherwise directed by the Works Director.** **with Public**

As previously discussed, the applicant is proposing sidewalks on both side of 37th street. One side is proposed to have planter strip and the other a bioswale. This criterion is met.

- B. In areas with high pedestrian volumes, the City may approve a minimum 12-foot wide sidewalk area, curb tight, with street trees in tree wells and / or landscape planters.**

The internal circulation of the subdivision is not anticipated to have high pedestrian volumes as by-in-large, the only pedestrians using the subdivision will be persons residing in the subdivision and immediate area. The only uses that are proposed in the subdivision are single-family residential. A 12-foot-wide sidewalk is not indicated.

- C. Bicycle lanes shall be constructed on all newly constructed arterial and collector streets as well as all arterial and collector streets that are widened to provide additional vehicular capacity, as indicated in the TSP, unless otherwise designated.**

No newly constructed or widening of arterial or collector streets are necessary, proposed, or planned in the 2012 TSP in association with this subdivision. This criterion not applicable.

- D. Sidewalks shall be provided on both sides of the street for all arterial and collector streets. Sidewalks shall be provided on at least one side of the street for local streets. Exceptions may be granted if the City determines that hillsides, drainage facilities, ditches, waters of the state, or natural landscapes are to be preserved, then sidewalks on one side or a multi-use path may be approved. Sidewalks are not required on T-courts (hammer-head).**

The proposed 37th St will have a local street classification and therefore requires a sidewalk on both sides of the street. Exceptions are available. The applicant has proposed sidewalks on both sides of the proposed 37th St extension. This criterion is met.

- E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.**

This site was previously cleared under land use approval AR 22 09 VEG 04. There are no existing trees in the areas of 37th St. This criterion is not applicable.

- F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.**

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

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

or could be confused with the name of an existing street in the County. Street names shall be in conformance with FCC 8-2-1-1.

The applicant has proposed 2 streets names in association with this PUD. The applicant has proposed 37th St which will be a local street providing access to the site by Oak St and is proposed to be developed to local street standards. This street name is appropriate as it extends from the existing 37th St on the east side of Hwy 101.

The other street name proposed in East Myrtle Loop for the street stub dedicated to the City. This stub is proposed to extend south to 35th St and be aligned with existing East Myrtle loop on the south side of 35th St.

Neither of these street names are anticipated to cause confusion with existing street names as they will aligns with the same named streets either during this development (37th St) or during future development (East Myrtle Loop). This criterion is met.

10-36-2-21: Street Signs: The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developer and shall be installed as part of the street system developed and approved through the land use process. Signs shall be installed by developers per City of Florence Standards and Specifications. 10-36-2-22:

The applicant states no signs are proposed as part of this application. In accordance with this Code section the cost of signs required for new development shall be the responsibility of the developer and shall be installed as part of the street system development and shall be installed by developers per City of Florence Standards and Specifications (**Condition 9.7**). This criterion is conditioned to be met.

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

No mail boxes were proposed as part of this application. The applicant included a statement the USPS will be consulted regarding the location of mailboxes. Additional information for mailbox type and location shall be submitted and approved prior to issuance of Certificate of Occupancy with associated units (**Condition 9.8**). This criterion is conditioned to be met.

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

Two street lights are proposed as part of this PUD. One is proposed on the corner the south west corner of 37th St. and East Myrtle Loop and the other is proposed on the south side of 37th St on the west side of the reserve strip adjacent to the vegetated hill. A full discussion regarding street lights is provided under FCC 10-37.

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

- A. Sewers, Water, and Stormwater Mains Required:** Sanitary sewers, water mains, and stormwater drainage shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan, Florence Code Title 9 Chapters 2, 3 and 5, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision; stormwater, sewer and water system improvements shall also be stubbed to the edge of the subdivision for future development.
- B. Sewer, Water, and Stormwater Plan Approval:** Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.
- C. Existing Watercourse:** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety and consistency with the Stormwater Manual.
- D. Over-Sizing:** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements
- E. Fire Protection:** All new development shall conform to the applicable provisions of the Oregon Fire Code. Developers shall provide verification of existing and proposed water service mains and hydrant flow supporting the development site. Fire flow analyses and plans for hydrants and water service mains shall be subject to review and approval by the Building Official or Fire Marshal.

The applicant is proposing to meet the standards of Oregon Fire Code Figure D103.1 Acceptable alternative to a 120-foot hammerhead. SVFR Fire Chief was contacted for referrals and states the location of the fire hydrants will meet code and Public Works Director states minimum GPM requirements can be met. Referral comments state that if buildings exceed 30 feet in height, then access for an aerial apparatus may be required. The applicant has stated the anticipated height of the buildings will be approximately 27 feet. The building height shall be confirmed at time of building permit plan review and all shall be in compliance with all state and City fire and life safety codes (**Condition 9.9**). This criterion is met or is conditioned to be met.

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

standards pertaining to operation of domestic water and sewerage treatment systems.

10-36-4: EROSION CONTROL: In addition to standard City requirements for stormwater, erosion control and sand management, projects that disturb one (1) or more acres of land over a period of time, a National Pollution Discharge Elimination System (NPDES) Permit must be obtained from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

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

10-36-5: UTILITIES:

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

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

10-36-6: EASEMENTS:

- A. **Provision:** Dedication of easements for storm water, sewers, water and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title.

Easements for utility lines shall be not less than fifteen feet (15') in width and the utility shall be located in the center of the easement. Before a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require an additional five foot (5') easement for utility lines along street frontages when necessary.

- B. **Recordation:** As determined by the City all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat.

10-36-7: CONSTRUCTION PLAN APPROVAL AND ASSURANCES:

- A. **Plan Approval and Permit:** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City Public Works Director, permit fee paid, and permit issued.
- B. **Performance Guarantee:** The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements.

10-36-8-H: Warranty of Public Facilities: All public improvements shall be warranted against defects in materials and workmanship for a period of one year following acceptance of the improvements by the City. Once accepted, a minimum one (1) year warranty agreement on materials and workmanship shall be initiated between the City of Florence and the developer. A warranty bond or other financial security acceptable to the City in the amount of 12 percent of the original public improvement construction cost shall be maintained throughout the warranty period.

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

TITLE 10, CHAPTER 37: LIGHTING

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

- A. **Resumption of Use** - If a property with non-conforming lighting is abandoned for a period of one year or more, then all exterior lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.
- B. **Major Additions or Alterations** - If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:
 - 1. **Additions of 26 percent or more** in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.
 - 2. **Single or cumulative additions, modification or replacement of 25 percent or more of installed exterior lighting luminaires** existing as of the effective date of this Ordinance.
 - 3. **Existing lighting on sites requiring a conditional use permit or variance** after the effective date of this ordinance.
- C. **Amortization** - On or before 10 years from the effective date of this code, all outdoor lighting shall comply with this Code. Most outdoor lighting will be fully depreciated at the end of 10 years if not sooner. "Easy fixes" such as re-aiming or lowering lumen output of lamps is recommended in advance of the effective date of the ordinance. Where lighting is judged to be a safety hazard immediate compliance is required.

As a new development following the effective date of this ordinance, the individual dwelling units and the share/common areas are subject to lighting standards and lighting plans required under Title 10, Chapter 37 that regulates lighting standards.

10-37-3: LIGHTING PLANS REQUIRED: All applications for building permits and land use planning review which include installation of exterior lighting fixtures, not exempted, shall include the number of luminaires, the number of lamps in each luminaire, a photometric report for each type of luminaire and a site plan with the photometric plan of the lumen output.

The City shall have the authority to request additional information in order to achieve the purposes of this Ordinance.

No lighting plan was included as part of this application. The parking lot lights and the exterior lights on the individual dwelling units are not exempt under FCC 10-37-5 and therefore the applicant shall submit a lighting plan in accordance with this Code section that demonstrates the proposed lighting is in compliance with the lighting standards of FCC 10-37-4 (**Condition 10.1**). This criterion is conditioned to be met.

10-37-4: LIGHTING STANDARDS:

- A. **All exterior lighting fixtures subject to this code section must be designed as a full cut-off fixture or have a shielding method to direct light emissions downward below the horizontal plane onto the site and does not shine illumination or glare skyward or onto adjacent or nearby property.**

- 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.**

All lighting proposed on the exterior of the individual units shall be designed as full cut-off fixtures or have a shielding method to direct light downwards and do not glare onto adjacent properties or skyward in accordance with this Code section (**Condition 10.2**).

The parking areas in the shared/common area between 37th St and the individual lots shall be in compliance with FCC 10-37-4-B and C. Lighting shall be provided at a minimum of 2-foot candles and a maximum of 5-foot candles for pedestrian and vehicular safety. The lighting poles shall not exceed 20 feet from average grade level to the top of the light fixture (**Condition 10.3**).

The required lighting plans for individual dwelling units shall be submitted to the planning department for review prior to issuance of building permit (**Condition 10.4**). This criterion is conditioned to be met.

10-37-5: EXEMPTIONS:

- B. Lighting within public right-of-way or easement for the purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.**

- R. In addition to exceptions mentioned above the below apply to residential uses.**
- 1. One partly shielded or unshielded luminaire at the main entry, not exceeding 630 lumens.**
 - 2. Any other partly shielded or unshielded luminaires not exceeding 315 lumens.**
 - 3. Low voltage landscape lighting aimed so that glare is not visible from adjacent properties and not exceeding 525 lumens per fixture.**
 - 4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding 1,260 lumens.**
 - 5. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 10 minutes after the area is vacated. 6. Decorative low wattage lights.**

The applicant is proposing 2 street lights as part of this application and have been market on Sheet 2 (**Exhibit I**). These lights are exempt from lighting standards in accordance with FCC 10-37-4 as they are intended to light a public ROW or easement, therefore this Code section is applicable.

There is an existing street light on the north east corner of the 37th and Oak St intersection. One street light is proposed on the south west intersection of 37th and East Myrtle loop which is approximately 240 feet from the existing street light. The other proposed street light is at the west end of 37th St on the south side and is approximately 360 feet from the other proposed street light.

Resolution 16, Series 1999 *A Resolution Establishing Street light Policy of Florence* established 15 Street Light Priorities. The priorities applicable include:

- 5. Each three-way ("T") intersection with all streets paved*
- 6. Each three-way ("T") intersection with the through street paved*
- 7. All other three-way intersections.*
- 9. At each unpaved cul-de-sac, or dead-end street.*
- 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.*

Priorities 5-7 apply the intersection of 37th St and the East Myrtle Loop Stub. A Street light is proposed at this intersection.

Priorities 9 and 12 apply to the west most street light on 37th St. As proposed, with the emergency turnaround easement, the street light is in compliance with these priorities with the location at the end of the dead-end street. The East Myrtle Loop stub street light is ~360 feet from the west most proposed street light. With the emergency vehicle turn around proposed as an easement rather than dedicated as

a street this becomes a street without an intersection and therefore these two street lights should be no closer than 325'. However, the applicant states that the emergency turn around is proposed as an easement instead of a dedication to provide a future developer with more flexibility to design access to TL 1100. If this emergency easement is developed into a street with future developments to the lots to the south then this intersection would require a street light. This is significant since the proposed street light and a street light at a potential intersection of the emergency turn around (if developed into a street in the future) would be approx. 70 feet apart and may cause excess light during dark hours or unnecessary electrical usage. Avoiding unnecessary electrical usage was a goal of Resolution 16, series 1999. It is at the discretion of the Planning Commission if the proposed west most street light is proposed in an appropriate location to meet goals of Resolution 16, Series 1999 and applicable Code criteria.

Priority 13 was included as this is a proposed PUD. There is an existing street light on north east corner of 37th and Oak St. While this is not at the entrance it is in proximity to the entrance where there is anticipated to be adequate light for vehicle visibility and pedestrian safety during dark hours.

No specifics were provided on the design, height, or photometrics of the proposed street lights. The applicant shall provide design, height, and photometric specification of the proposed street lights for review and approval by the Florence Planning Department and Public Work Department prior to any work being commenced (**Condition 10.5**). Street lights shall be installed prior to Certificate of Occupancies may be issued for any dwelling units. This criterion is conditioned to be met.

TITLE 9: CHAPTER 5: STORMWATER MANGEMENT UTILITY

9-5-1: GENERAL PROVISIONS

9-5-1-1: PURPOSE The purpose of this Code is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with existing and future land development within the City. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the negative effects of development on the existing stream channels, assist in the attainment of water quality standards, help protect the quantity and quality of the water in the aquifer, enhance and protect the natural environment associated with the drainage system, and facilitate orderly development while mitigating the associated impacts of development.

Further, the purpose is to establish a Stormwater Utility with a user fee system to fund stormwater management activities and facilities within the City. This Code defines the minimum requirements for stormwater management facilities. Additional requirements may be required by the City if the minimum requirements will not satisfy the overall purpose of this Code.

[...]

Stormwater conditions and discussion are covered elsewhere in these Findings. Please refer to FCC 10-23 for Stormwater discussion and the referral comments for corrections. While stormwater is addressed in sections other than FCC 10-23, the majority of discussion and condition are covered in that section.

TITLE 11, SUBDIVISION REGULATIONS

TITLE 11, CHAPTER 1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

11-1-1: PURPOSE: The purpose of this Title is:

- A. To provide rules, regulations and standards to govern the approval of subdivisions and partitions of land and to carry out the development pattern and plan of the City.**
- B. To promote the public health, safety and general welfare; lessen congestion in the streets; secure safety from fire, flood, pollution and other dangers; provide adequate light and air; prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, parkland, multi-use paths and trails, recreation and other needs of the people of the City; to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval.**

11-1-2: APPROVAL OF LAND DIVISIONS:

- A. No person shall dispose of, transfer or sell any lot or parcel of land in a partition with respect to which approval is required by this Title until such approval is obtained.**
- B. No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for subdivisions under the provisions of this Title until such approval is obtained.**
- C. No persons shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any subdivision with respect to which approval is required by this Title until such approval is obtained, and the plat thereof has been acknowledged and recorded with the County recording officer.**

The applicant has made application for approval of the above-mentioned items prior to initiating any of the above-mentioned actions. This criterion is met.

11-1-3: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined as follows:

- ALLEY** A narrow passage through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- ARTERIAL** A street which is used primarily for through traffic, or which by its location will likely be needed for such use in the normal growth of the community.
- BLOCK LENGTH** The distance measured along all that part of one side of a street which is between two (2) intersecting or intercepting streets, or between an intersecting or intercepting street and a watercourse, body of water or undivided acreage.
- BUSINESS STREET** Any block length along any street, other than an arterial, within which there is or will be provided access to one or more commercial structures which in the

judgment of the Planning Commission will result in a high volume of business traffic on such street.

BUTT LOT OR PARCEL A lot or parcel, the lot or parcel side line of which abuts the lot or parcel rear line of two (2) or more adjoining lots or parcels.

CITY The City of Florence, Oregon, and its officials or authorized agents.

CITY COUNCIL The Common Council of the City of Florence, Oregon, which is the governing body of said City.

COLLECTOR A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.

COMMISSION The Florence Planning Commission.

CUL-DE-SAC A short street having one end open to traffic (Dead End Street) and being terminated by a vehicle turn around.

DEDICATE / DEDICATION The gift of land or an easement by a private person or entity to the City as part of, and a condition of, a real estate development. The City must accept the dedication before it is complete. The owner of the land does not retain any rights that are inconsistent with the complete exercise and enjoyment of the public uses to which the property is being committed. (Ord. 2, Series 2011)

DIVISION OF LAND The creation of lots or parcels.

DRAINAGE FACILITY Any of a number of types of stormwater conveyance detention, retention or other related facilities, including: pipes, culverts, ditches, natural drainageways, streams, catch basins, inlets, trash racks, and other types of open-channel systems.

EASEMENT, PUBLIC A right of use of a property given by the owner to the City for public use, and accepted for such use by or on behalf of the public. (Ord. 2, Series 2011)

FINAL PLAT The final map, diagram, drawings, replat or other writing containing all the descriptions, specifications, dedications, provisions and information concerning a subdivision or partition, suitable for recording.

LOCAL STREET A street used primarily for access to abutting property(s).

LOT A unit of land that is created by a subdivision of land.

Butt Lot or Parcel- A lot or parcel, the lot or parcel side line of which abuts the lot or parcel rear line of two (2) or more adjoining lots or parcels.

Corner Lot or Parcel- A lot or development site bounded entirely by streets, or a lot having only one side not bounded by a street, or a lot which adjoins the point of intersections of two (2) or more streets and in which the interior angle formed by the extensions of the

street lines in the direction which they take at their intersections with side lot lines forms an angle of one hundred thirty five degrees (135) or less. In the event that any street line is a curve at its point of intersection with a side lot line, the tangent to the curve at the point of intersection shall be considered the direction of the street line.

Flat Lot or Parcel- A lot or parcel that has a narrow frontage on a public street with access provided via a narrow accessway or “pole” to the main part of the lot used for building, which is located behind another lot that has street frontage. There are two distinct parts to the flat lot; the development area or “flag” which comprises the developable area, and the access strip or “pole” which provides access from the street to the flag.

Interior Lot or Parcel -Other than a corner lot, a lot or parcel having frontage only on one street.

Through Lot or Parcel -Other than a corner lot, a lot or parcel having frontage on two (2) parallel or approximately parallel streets other than alleys.

Key Lot or Parcel- A lot or parcel the rear line of which abuts the lot side line of two (2) or more adjoining lots or parcels. Figure 11-1-3: An illustration depicting lot types.

- LOT LINE**
- A. **Front:** The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage, except that, in the case of a lot or parcel which adjoins the point of intersections of two streets as defined in “Lot: Corner Lot,” both lot or parcel lines are the front line. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Title.
 - B. **Rear:** The lot or parcel line which is opposite to and most distance from the lot or parcel front line. In the case of triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10’) in length within the lot, parallel to and at the maximum distance from the front lot line.
 - C. **Side:** Any lot or parcel line which is not a lot or parcel front or rear line.

MASTER ROAD PLAN The plan(s) adopted by the Council of the City according to the procedures provided for in this Title.

MULTI-USE PATH A paved 10- to 12-foot wide way that is physically separated from motorized vehicular traffic; shared with pedestrians, skaters, and other non-motorized users. (Ord. 2, Series 2011)

MULTI-USE TRAIL An unpaved path that accommodates pedestrians shared with other nonmotorized users. (Ord. 2, Series 2011)

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. 2, Series 2011)

OWNER An individual, association, partnership or corporation having legal or equitable title to land sought to be divided, other than legal title held for purposes of security only.

PARCEL A unit of land that is created by a partitioning of land.

PARKLANDS Lands that provide for human development and enrichment, and include, but are not limited to: open space and scenic landscapes that provide a place for people to exercise and interact; active recreational lands; historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seating areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities. (Ord. 2, Series 2011)

PARTITION A division of an area or tract of land which does not result in the creation of more than three (3) lots within a calendar year. "Partition" does not include:

- A. A division of land resulting from lien foreclosures;
- B. A division of land resulting from the creation of cemetery lots;
- C. A division of land made pursuant to a court order including but not limited to court orders in proceedings involving testate or intestate succession; and
- D. Adjustment or elimination of a lot or parcel line by the relocation of a common boundary of two abutting properties where an additional parcel or lot is not created and where the existing parcel or lot reduced in size by the adjustment is not in conflict with any applicable law or ordinance, including but not limited to, provisions pertaining to minimum area, frontage, minimum width and required setbacks.

PARTITIONER An owner commencing proceedings under this Title to effect a partition of land by himself or his lawful agent.

PERFORMANCE AGREEMENT OR BOND A financial commitment by the petitioner or subdivider and executed by an Oregon licensed surety company in an amount equal to the full cost of construction and improvements as required in Chapter 5 of this Title and conditioned upon the faithful performance thereof.

PETITION FOR IMPROVEMENTS A proper petition submitted to and approved by the City Council for construction and improvements as required by Chapter 5 of this Title.

PLANNING OFFICE The Florence City Hall, Florence, Oregon.

PLAT The map and other writing containing all the descriptions, locations, dedications, specifications, provisions and information concerning a partition or subdivision.

RECREATION NEEDS Existing and future demand by citizens and visitors for recreation areas, facilities, and opportunities which can contribute to human health, development, and enrichment. (Ord. 2, Series 2011)

REPLAT Platting lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of lots or parcels in a recorded partition or subdivision plat or to increase or decrease the number of lots in a subdivision.

ROAD OR STREET A public or private way, other than a public alley, that is created to provide ingress or egress for vehicular traffic to one or more lots, parcels, areas or tracts of land; excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A "road" or "street" includes the land between right-of-way lines, whether improved or unimproved.

RIGHT OF WAY The area between boundary lines of a street or other easement.

SUBDIVIDE LAND The division of an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

SUBDIVIDER An owner commencing proceedings under this Title to effect a subdivision of land by himself or through his lawful agent.

SUBDIVISION Either an act of subdividing land, or an area or tract of land subdivided as defined in this Section.

TENTATIVE PLAN A preliminary drawing or diagram concerning a partition or subdivision.

11-1-5: REPLATTING OF SUBDIVIDED LANDS: Replatting of an existing, but undeveloped, subdivision shall follow the following procedures:

A. The applicant shall apply to the City for vacation of existing rights of way as applicable, unless proposed streets and/or common open space of equal area is dedicated to the City as public easements. (Ord. 1, Series 1992).

B. The applicant shall apply to the City for partition or subdivision approval as applicable according to the provisions of this Title. (Ord. 669, 5-17-82)

11-1 11-1-6: FEES:

- A.** **Application Fee:** In order to cover the actual processing costs connected with the application for tentative plan approval of partitions and subdivisions, the applicant is required to submit a filing fee based on average processing costs along with the application, which fees shall be established by resolution of the Common Council.
- B.** **Administrative Fee:** In order to defray the administrative costs connected with reviewing and processing land divisions or adjustments of lot lines, the City shall

collect a fee according to a schedule adopted by the City Council. This fee will be collected in connection with the following:

Lot Line Adjustments

Partitions

Subdivisions

Planned Unit Developments

The applicant has paid fees based on the City fee schedule at the time of application for processing this subdivision and PUD application. This criterion is met.

TITLE 11: CHAPTER 3: SUBDIVISION TENTATIVE PLAN PROCEDURE

11-3-1: APPLICATION: An application for tentative plan approval shall be made by the person proposing the subdivision, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with two (2) full-size copies, one (1) reduced copy of 11" x 17" or smaller, and an electronic copy of a subdivision tentative plan.

Application was submitted to the City by an authorized agent or representative on forms prescribed by the City. The initial application was submitted both electronically and hard copy. The addendum to the application narrative (**Exhibit C1**) and revised tentative plans (**Exhibit C1**) were submitted electronically. While code requires full-size and reduced copies, staff finds electronic copies are adequate for review and did not require hard copies from the applicant. This criterion is met.

11-3-2: TENTATIVE PLAN REQUIREMENTS:

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

This Tentative subdivision plat for the proposed 25-lot subdivision was filed in accordance with FCC 10-1-1-4. The application was deemed complete on March 17, 2023. All documents were submitted in electronic format. These criteria are met.

- B. Drafting: The tentative plan shall show all pertinent information to scale. The drawing shall be on standard size sheets eighteen inches by twenty four inches (18" x 24"), and at scale of one inch equal to one hundred feet (1" = 100'). The scale may be increased or decreased if necessary, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (10) of any one of these scales.**

Tentative plans for major partitions and subdivisions shall be proposed by a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor. An affidavit of the services of said engineer or land surveyor shall be furnished as part of the tentative plan submitted.

The tentative plan (Sheet 1) is in the stated scale increments/multiples of 10. Oregon Registered Professional Land Surveyor, Brent W. Corning of EGR Associates prepared the PUD tentative subdivision

plan for this application. Sheet 1 was resubmitted for completeness in March with Brent Corning's affidavit/stamp with signature. These criteria are met.

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, "town", "city", "plat", "court", "addition" or similar words, the name shall be clearly pronounced different than, the name of any other subdivision in the County unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.**

The applicant is proposing to name the subdivision "Myrtle Glenn," which is shown on the sheets in Attachment 1 of the Myrtle Glenn Subdivision Preliminary PUD (**Exhibit C1**). There is no other subdivision in the County with the same name. The proposed 37th Street is labeled and consistent with adjacent numbered street west of Oak St. The subdivision name and street names will be forwarded to Emergency Services for review and input prior to Final Plat approval (**Informational 6**). The street stub on the south portion of the proposed subdivision is labeled East Myrtle Loop on the stormwater plan (Sheet 4) which is the name of the street on the south side of 35th Street that the street will connect to in future phases of development. The Tentative Plan, Sheet 1 does not include this naming label but does indicate that the 10' stub will be dedicated to the public for right-of-way. Street naming can be deferred until it consists of property from which to address from. Block numbers are not proposed with the plan. These criteria are met.

- 2. The date, north point and scale of the drawing; a sufficient description to define the location and boundaries of the proposed subdivision or major partition area; and the names of all recorded subdivisions contiguous to such area.**

The date, north arrow and scale are shown on the tentative plan. The location of the proposed subdivision is provided under the tentative plan's title. The tentative plan contains the names of contiguous subdivisions, East Bank PUD and Casa Del Mar Subdivision on Sheet 1 and are also included on a vicinity map in Attachment 2 (**Exhibit D**). This criterion is met.

- 3. The names and addresses of the owner and engineer or surveyor.**

The Sheets submitted for tentative subdivision plan approval contain the name and address of the engineer and surveyor. However, the name and address of the property owner is not on the Sheets. The final plat shall contain an Owner's Declaration recital, complete with the name and address of the property owner in accordance with FCC 11-3-2-C3 and the platting standards of ORS 92 for subdivisions (**Condition 11.1**). The criteria are either met or conditioned to be met.

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

The location of proposed and existing right-of-way lines are shown on the Tentative plan and accompanying Sheets. This criterion is met.

- 5. The locations, names and widths of all existing and proposed streets and roads. Said roads and streets shall be laid out so as to conform to subdivisions and major partitions 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.**

The applicant is proposing that 37th Street extending west of Oak Street to be 60 feet wide platted with a 20-foot-wide two-way travel lane, 7-foot parking and a 5-foot-wide sidewalk/PUE on each side of the street. The tentative plan also includes a dedication for East Myrtle Loop as a 60-foot ROW for future connection for the adjoining property to the south. Both of these streets are laid out to conform to previous subdivisions and are proposed at City standards for both dimensions and improvements.

However, it should be noted that 37th St dead-ends at the vegetated hill the applicant is proposing to preserve, with the use of a barricade and reserve stip. This is not an adequate termination for a public street and was discussed and conditioned above. These criteria are met or are discussed elsewhere in these Findings.

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

No private streets or roads are proposed. All roads are identified for public dedication. This criterion does not apply.

- 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%

The tentative plan, Sheet 1, did not include elevation points or contours. The existing contours are illustrated on Sheet 5 in increments of a foot. Sheet 4—the stormwater plan includes proposed contours in increments of a foot. Many of the proposed contour labels and lines are covered up with other lines on the plan making it difficult to confirm the increments and location of proposed grade changes adjacent to buildings. The proposed contours along the northern perimeter are not labeled east of unit 4. After unit 8 it is impossible to determine the proposed contours due to the engineer placing arbitrary whitened areas within the proposed open space between East Bank and the proposed townhomes. It is evident from the contours provided and those shown as existing conditions that the northern buffer will be removed and filled for construction in whole or part. The final plat prepared and submitted for final plat approval shall contain the elevations of all points used to determine contours with the required intervals of 1' 0% to 5'; 2' 5% to 10%; and 5' over 10% (**Condition 11.2**).

8. The approximate grades and radii of proposed streets.

The grading plan and manhole lift locates shown on the stormwater plan-Sheet 4 can be used to calculate the approximate grade of the streets. The street and access plan on Sheet 3 does not include proposed radii for the street curves. 37th St. is straight, and no curves are proposed.

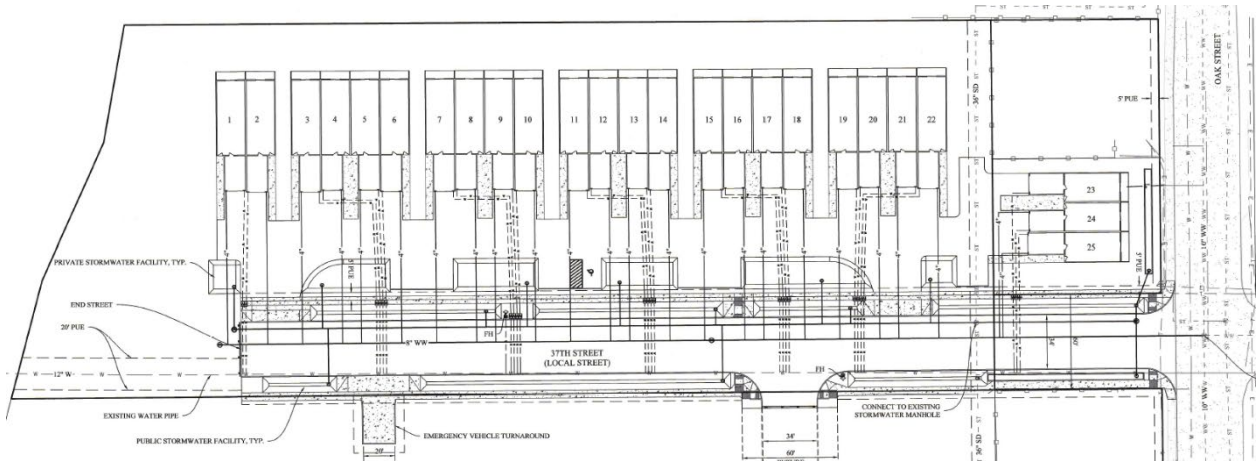
9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.

There are three 5-foot Public Utility Easements (PUE), and two 20-foot PUE illustrated on Sheet 2 of (Exhibit C1) see below. Five-foot wide PUE's are shown on the Tentative plan--Sheet 2 (Exhibit C1) along both sides of proposed 37th St. extending from Oak St. to the western project line and one along Oak St. east of Lots 23-25. The two PUE the run parallel and adjacent to 37th St are proposed to be developed as sidewalks to City Standards.

One 20 feet easement runs east to west from Oak St. to the end of 37th St. at the west most property line. This 20-foot PUE is marked to have an existing 12-inch water pipe. There is an additional 20-foot drainage easement with an existing 36-inch storm drain that travels north and south, east of lot 22 and west of lots 23, 24, and 25.

There are 2 reserve strips indicated on Sheet 1, each state to be 1 foot deep and 60 feet wide. These reserve strips are located at the west end of 37th St and the south end of the East Myrtle Loop stub.

These criteria are met.



10. The approximate radii of all curves

A typical of the proposed radii for driveway and street curves is shown on Sheet 2, the Tentative Plan, Access and Parking Plan. This criterion is met.

11. The general design of the proposed subdivision or major partition including the approximate dimensions of all proposed lots and parcels.

Approximate dimensions and lot sizes in square feet for all lots are shown on the Sheet 2 --Tentative plan in Attachment 1 of the application (Exhibit C1). This criterion is met.

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

The applicant's stormwater plan states the soil is Yaquina with a water table typically between 2 feet below surface and 2 feet above the ground surface. 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, was not included on the applicant's tentative subdivision plan. If such areas exist on the site, the final plat should include these areas. **(Informational 7)**.

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.

The subject property is presently vacant and undeveloped. The property was cleared in 2022 under land use approval AR 22 09 VEG 05, application submitted by Ray Wells, Inc. Condition 6 required sand and soils be secured by spreading gravel or groundings and root mats. Condition 11 required vegetate retention perimeters to be maintained. The site remains in this condition or cleared, with perimeter buffers, and grindings securing loos sand and soil.

AR 22 09 VEG 05, Condition 10 required replanting and seeding of the cleared area if no building permits were issued by May 23, 2023. This applicant submitted this PUD/SUB application December 5, 2022 and was deemed complete March 17, 2023. While no building permits have been issued, the applicant is actively seeking land use approval to obtain building permits. The intent of this condition has been met through this review process. Criterion met.

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.

This site will be served by City water. This criterion is not applicable.

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

Flood control and easements for drainage facilities were included on Sheet 4 of Attachment 1 **(Exhibit C1)**. Public Work Director and Civil West Engineer comments are included in **Exhibit M**

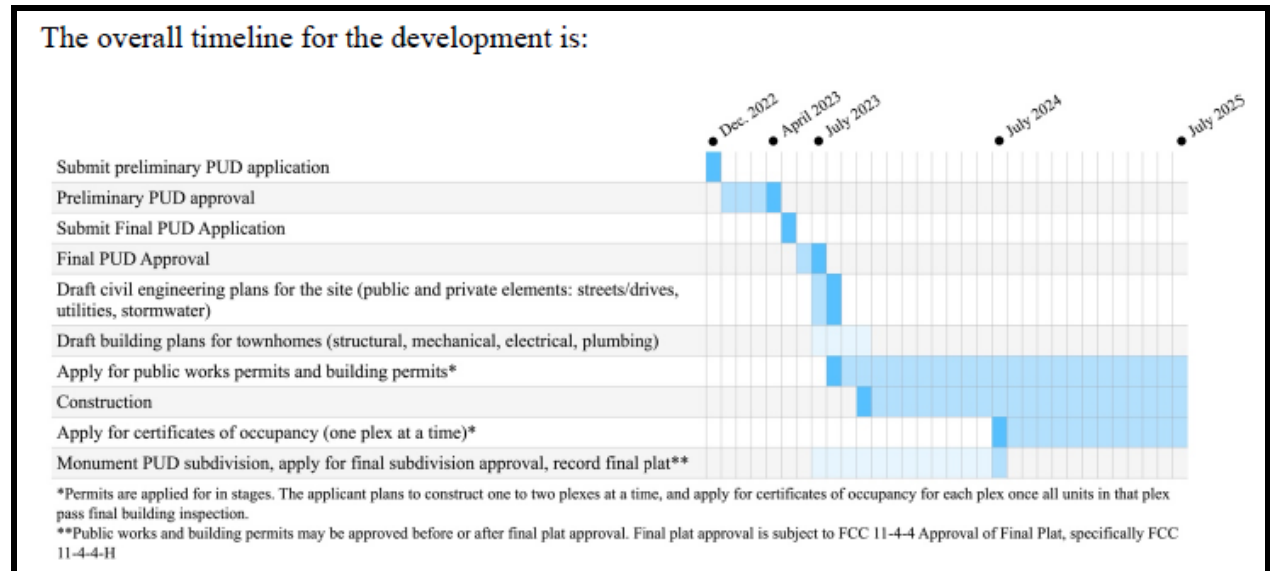
Public Works Comments on these plans were that the Stormwater report should be approved, and the private stormwater facilities will need to be approved and inspected as each lot is built out. The referral comments state that beyond stormwater no other public utility plans were seen. Public Works Director provided comments as seen on Exhibit M.

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

16. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.

Public areas proposed to be dedicated by the applicant include the 60 ft 37th St ROW and the future East Myrtle Loop that is dimensioned at 60 foot wide by 10 feet in length. This criterion is met.

17. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.



The applicant submitted a timeline for development on pg. 3 of the narrative response to the NOIC (Exhibit B1) that includes an anticipated date for when public improvements are to be installed. This criterion I met.

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

The applicant has submitted a preliminary grading plan, as seen on Attachment 1, Sheet 4 (Exhibit C1). However, a grading plan on the north buffer and hill slopes were not provided, and contour labels were not provided adjacent to all buildings to confirm grade. A final grading plan will be required as a condition of approval. The final grading plan is subject to discretionary R, C, and approval by Public Works and/or Engineering (Condition 11.4). This criterion is met or is conditioned to be met.

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

The boundary of the site is illustrated on Attachment, Sheet 1 (Exhibit C1). The applicant provided a legal description, but this included 3 listed parcels each including a part or an entirety of the proposed project. The applicant states in the *Project Overview and Addendum* (Exhibit B1), that the legal description 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 lot descriptions of the 3 tax lots 1200, 1100, and 100 are included with the deeds to the subject properties (**Exhibit F**). The final plat that is prepared shall contain a legal description in accordance with ORS 92 (**Condition 11.5**). This criterion is conditioned to be met.

11-3-3: REVIEW OF TENTATIVE MAJOR PARTITION OR SUBDIVISION: Within five (5) working days after the major partition or subdivision tentative plan is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the major partition or subdivision proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted unless an extension is requested.

The tentative subdivision plan was received by the City of Florence on December 1, 2022. Referrals were sent December 1, 2022 and again in March 17th and May 30th. Agency referrals were received and discussed earlier in these Findings and under the applicable code sections. This criterion is met.

11-3-4: APPROVAL OF TENTATIVE SUBDIVISION:

After giving notice as required by FCC 10-1-1-6, the Planning Director or its designee shall grant approval or deny the subdivision tentative plan. The hearing decision and further consideration of a similar application shall be reviewed under a Type II process as defined by paragraph 10-1-1-6 of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be based on compliance with the following criteria.

- 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.**

The minimum lot square footage size for the underlying high density residential zone is 2,000 square feet. Sheet 1 of the Tentative Plan (**Exhibit C1**), labeled tentative Plat for Myrtle Glenn PUD labels Tract A as the 1.44 acres surrounding lots 1 through 22, much of this area surround the buildings, but not between buildings, is dedicated as open space. None of the proposed open space is anticipated to interfere with orderly extension of adjacent streets, bicycle paths, or accessways as proposed. This criterion is met.

- 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.**

There are no buildings proposed within future street, bicycle paths and accessway locations. Criterion not applicable.

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

The proposed lots do not comply with development standards of the underlying base zone. The applicant provided a table that includes minimum lot width, coverage, and units per acre. This was included under FCC 10-10 previously in these Findings.

Minimum lot width in high density residential is 25 feet and the proposed width is 18.75 feet, or 6.25 feet less than the minimum required. The minimum lot depth is 80 feet. All lots as proposed exceed the minimum lot dept. Lots 23 through 25 are proposed to be 86 feet deep. Lots 1 through 22 are all proposed to be 98 feet deep. The minimum lot square footage in high density residential districts is 2000 square feet for attached housing. Lots 1 through 22 are proposed at 8% below the minimum a t 1,837.5 square feet and lots 23 through 25 are proposed 19% below the minimum at 1,612.5 square feet. The minimum net density per acre is 12 units and the maximum is 25. The applicant is proposing 9.33 units per acre, or a 22% reduction.

The applicant is requesting a modification on the minimum lot width, minimum lot square footage, and minimum street frontage required. These modifications are being requested to maximize unit density per acre, preserve the vegetated hill to the south, and to allow for development of the share/common area with off-street parking and stormwater facilities. Each of these modifications will be analyzed individually under FCC 11-7

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

Adequate public facilities are available or can be provided to serve the proposed lots. The proposed subdivision will be served by City water and City sewerage services. The Fire Chief has stated the water requirements to serve the two hydrants on-site and Public Works Director has stated these requirements can be met (**Exhibits L and M**). Criterion met.

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.

There is not a master plan proposed as part of this tentative PUD and subdivision plan. However, the applicant provides adequate dedications of ROW or PUE necessary to meet the standards of the units provided with the exception of stormwater management. The applicant states that they will collaborate with Public Works / Engineer to ensure stormwater facilities can meet the demands. This criterion is met with exception of stormwater management which will be discussed in more detail under Title 9, Chapter 5.

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.

Because the proposed subdivision application includes modifications and a tentative PUD, the application is being processed as a Type III review and will require a public hearing and determination by the Planning Commission. The Tentative plan submitted by the applicant was deemed complete for staff review. The final plat submitted to obtain final plat approval, shall be prepared in conformance with ORS 92. Criterion addressed.

11-3-6: TENTATIVE PLAN, EFFECTIVE DATE:

Unless appealed, the Planning Director decisions under this chapter shall become effective on the thirty first day after rendered. The applicant may then proceed with final surveying and preparation for final approval consideration of the subdivision plat. Tentative plan approval shall be effective for two years, unless approved as a phased subdivision tentative plan consistent with Section 11-3-8, within which time the application and subdivision plat must be submitted as required by this Title. An applicant may apply to the Planning Director for two (2) extensions of twelve (12) months each. A decision to extend the approval shall be based on compliance with the following criteria:

- A. The request for an extension is made in writing prior to expiration of the original approval;
- B. There are special or unusual circumstances that exist which warrant an extension; and
- C. No material changes of surrounding land uses or zoning has occurred.

Otherwise the entire procedure must be repeated for reconsideration in light of changed conditions that may exist.

Following Planning Commission tentative subdivision plan approval, the approval will be valid for two years from the effective date of approval. The effective date of approval is following exhaustion of all appeal periods. An extension of the two-year tentative approval may be applied for by the applicant in accordance with 11-3-6. The applicant will be expected to proceed with final survey and to make preparations for final subdivision approval within the timeframes outlined in Title 11 Chapter 3-6 & Chapter 4-4 & 4-6 unless otherwise provided for through approved and allowed extensions from the Planning Director. This tentative plan shall expire on June 13, 2025 unless an extension request is received and approved (**Condition 11.6**). This criterion is met or is conditioned to be met.

11-5 PLATTING AND MAPPING STANDARDS

11-5-1: STREETS:

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

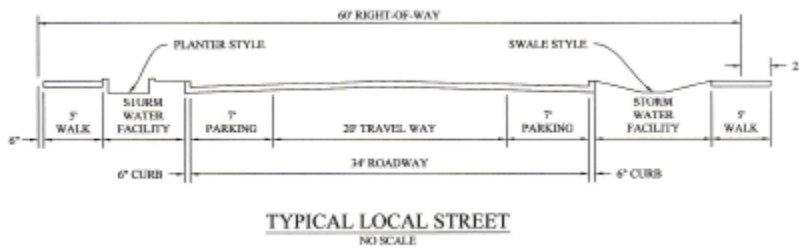
Street standards from Title 10, Chapter 36, Public Facilities, are discussed below.

The subdivision will involve the creation of a new street to be dedicated to the City after completion, inspection and acceptance. The applicant proposes a 60' wide right-of-way dedication that includes 20' pavement width and a sidewalk on the north and south side of the street. The Local Street standards are 60' right-of-way dedication consisting of 34-foot pavement widths, 5-foot side walks on each side of the street, and stormwater facilities on each side of the street, which is consistent with development standards for FCC 10-36. On-street parking for vehicles is permitted on both or one side of local streets, hence the 34' pavement width.

$$20\text{-foot drive surface} + 7\text{ feet on each side for parking} = 34\text{ feet}$$

Streets shall be constructed to the local street standards of FCC 10-36-2-5-A, specifically Local Street. The applicant is proposing a 60-foot ROW for 37th Street from Oak Street traveling west. The 60-foot

public ROW includes a 20-foot travel way, 7-foot parking on each side of the road, 5 feet sidewalks and storm water facility on each side of the ROW. This subdivision is proposing housing units and lots on the north side of 37th Street only with this application.



There is an future East Myrtle Loop street that is also proposed as a 60 feet ROW by 10 foot that will extend south to connect towards 35th in future phases of development. These criterion are met.

- B. Slope Easements: Slope easements shall be dedicated in accordance with specifications adopted by the City Council under Section 11-5-1 of this Title.**

No slope easements are proposed with this application. This criterion is not applicable.

- C. Reserve Strips: The Planning Commission may require the applicant to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission determines that a strip is necessary:**
1. **To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or**
 2. **To prevent access to the side of a street on the side where additional width is required to meet the right of way standards provided in the table under subsection B2 above; or**
 3. **To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself; or**
 4. **To prevent access to land unsuitable for building development.**

37th St at the west end and East Myrtle Loop stub both are proposed to have a reserve strip with barricades to prevent access to land abutting the site. As previously discussed, the reserve strip and barricade on the west end of 37th St is not an adequate street termination. This was discussed elsewhere in these Findings. The barricades and reserve strip are an appropriate termination of East Myrtle Loop due to anticipate future development and connection to 35th St to the south. This criterion is met or condition to be met.

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 standard six thousand five hundred (6,500) or nine thousand (9,000) square foot lots.

- 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 wither 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.**

As previously discussed, the lots do not meet the minimum width or square footage for the underlying high density residential zone. The lots exceed the minimum lot depth, but the applicant has requested a modification to minimum lot width under FCC 11-7 stating that meeting minimum lot dimension would decrease the number of housing units able to be built and decreasing required density further below minimum required 12 units per acre in HDR (9.33 units/acre proposed).

These 25 individuals lots do not have street frontage proposed. All lots have access to street frontage via the share parking area and 2 driveway access points. the share driveway access is determined to be preferable, compared to each lot have street frontage, to decrease access points on 37th St and congestion. The applicant is proposing a shared off-street parking area and is therefore consistent with FCC 10-35-2-10 for the use of joint access. These criteria will be further discussed under section FCC 11-7.

B. Exceptions:

- 1. Subdivisions and Partitions Developed as a Unit: The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the applicant presents a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed and developed with provision for proper maintenance of open space, recreation and parklands and will be commonly available for recreation and park purposes to the residents of the subdivision or partition, and which the Planning Commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this Title.**

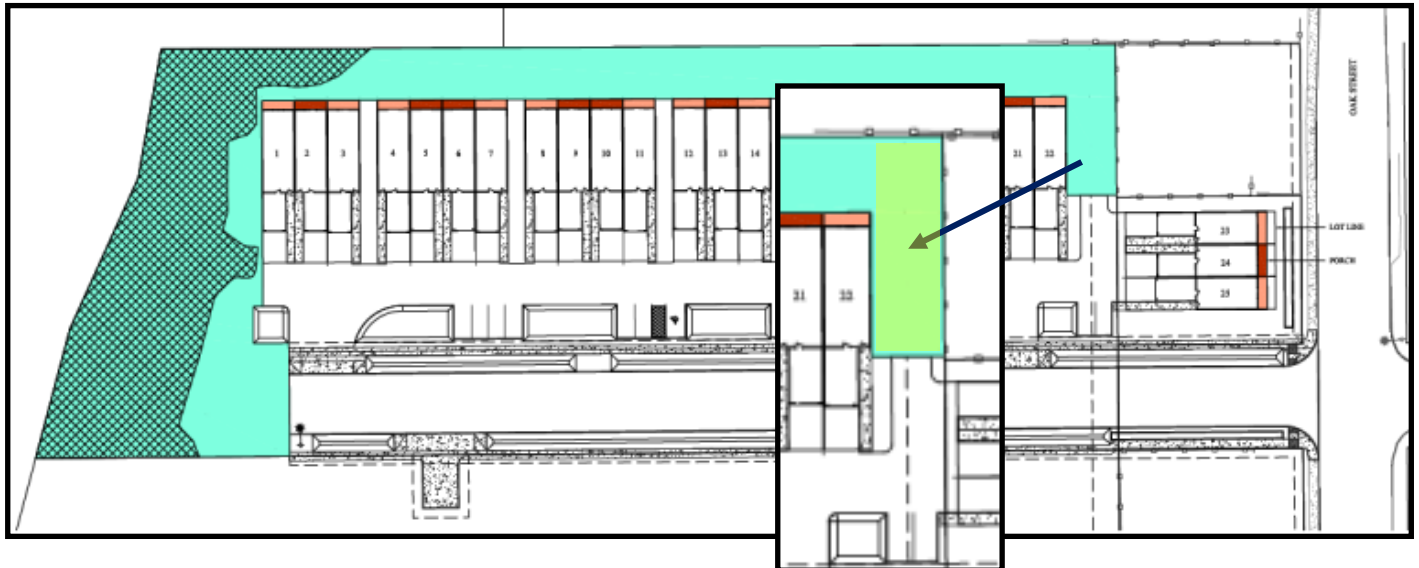
The applicant is requesting a relaxation in lot width, street frontage, and individual lot square footage. The stated benefits of this relaxation are preservation of the vegetated hill on the western portion of this property, and the common/shared off-street parking area. These request for modification and relaxation of the standards will be discussed in more detail under FCC 11-7 for the modification requested by the applicant, which does not include a request for modification to recreational uses.

The applicant has proposed open space, but has not proposed recreational opportunities or amenities for community members. FCC 11-1 defines recreation as:

RECREATION NEEDS Existing and future demand by citizens and visitors for recreation areas, facilities, and opportunities which can contribute to human health, development, and enrichment. (Ord. 2, Series 2011)

The lots as proposed have no rear, front, or side yards available. Because no yard is proposed on these lots, future demand may include outdoor gathering space, play areas for children, or pet space. The recreational requirements are at the discretion of the Planning Commission but examples include a playground for potential families who may have children, a pet area with amenities such as a pet waste disposal area and benches, or an outdoor gathering space with landscaping, benches and/or tables.

The majority of the open space proposed with this lot is either behind lot 1 – 22 or on the sloped and vegetated hill on the west property line. There is an area of open space to the east of lot 22 and adjacent to the shared parking area closest to lot 23 that may be suitable to develop for recreational opportunities for future residents.



11-5-3: PUBLIC FACILITIES:

All utilities shall comply with applicable development standards of Title 10 Chapter 36 and Title 9.

The Applicant has provided Stormwater Surface Filtration/Infiltration Facility Sizing Spreadsheet as seen in Appendix B (**Exhibit H1**). The applicant states that submitted stormwater management plans are tentative and final facility design specification will be addressed in the final design and preparations of public and private improvement plans. The applicant also states that stormwater planting plans will be drawn to specifications of the City of Florence Standard Drawings, the City of Florence Stormwater Design Manual, and pass inspection by Public Works

Sanitary Sewer: Sanitary sewer service is available to the property however, the property owner(s)/developer(s) are to pay for the sewer main extension, manholes, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project (**Condition**). Per public work comments (**Exhibit M**), additional information regarding sanitary sewer is required. This was previously conditioned.

Water: development permits for water improvements shall not be issued until the Public Works Director or their designee has approved all water plans in conformance with City standards. (**Condition**).

Stormwater: The applicant states the submitted stormwater management plan is tentative. Final landscaping of the stormwater facilities are proposed to be compliant with Florence City Code. Applicant states final preparation of stormwater improvement plans will be coordinated with Florence Public Works and designed to City standards with City approvals obtained prior to construction.

Final construction plans and utility facility specifications are required to be submitted for City review and approval prior to commencing construction. City reserves the right to relocate water services, fire hydrant locations, and sewer lateral locations prior to construction plans being finalized (**Condition**).

The applicant will be expected to proceed with final survey and to make preparations for final subdivision approval within the timeframes outlined in Title 11 Chapter 3-6 & Chapter 4-4 & 4-6 unless otherwise provided for through approved and allowed extensions from the Planning Director. This tentative plan shall expire within two years of the effective date June 13, 2025 unless an extension request is received and approved prior to expiration.

11-5-4: PARTIAL DEVELOPMENT:

Where the subdivision or partition includes only part of the tract owned by the applicant, the Planning Commission may require a sketch of a Preliminary layout of streets in the remainder of said ownership.

Partial development of the subdivision is not proposed. This is not proposed as a phased development but is intended to occur over a 2-year timeline with a plan to construct the majority of public and common improvements and bond the remainder following procedures in accordance with FCC 11-4-4. The applicant states a plan to apply for a final plat approval, record the final plat, and then begin selling individual lots / town homes as a method to finance the development. This criterion is met.

11-5-5: UNSUITABLE AREAS: Areas identified in the Florence Comprehensive Plan as having designated or protected natural areas or potential hazards due to erosion, landslides, stream flooding, ocean

flooding or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, the general public, or natural values which have been protected.

- A. All major partition and subdivision applications shall be reviewed by the City, using the Phase I checklist contained in Site Investigation Reports by Wilbur E. Ternyik, published by OCZMA.**
- B. Where problem areas are identified in the Phase I checklist, a full-scale Phase II site investigation will be required covering only those problem areas identified in the Phase I checklist. This site investigation must be prepared and paid for by the applicant. Before approval would be granted the site investigation would have to prove either:**
 - 1. That upon specific examination of the site, the condition which was identified in the Comprehensive Plan Inventory did not exist on the subject property; or**
 - 2. That harmful effects could be mitigated or eliminated through, for example, foundation or structure engineering, setbacks or dedication of protected natural areas.**
- C. Specifically, areas shown on the Hazards Map and the Soils Map of the Comprehensive Plan will require a Phase II site investigation report. Studies which have been adopted or included in the Comprehensive Plan by reference or studies done subsequent to the adoption of the Plan may be used to determine when a site investigation report is needed.**

The SIR is being reviewed concurrently under file number SR 22 48 SIR 13. A discussion of the SIR is not included in this report.

11-7-1: APPLICATION FOR MODIFICATION:

- A. Time for Submitting Application: Concurrently with submitting a tentative plan to the Planning Director for Planning Commission consideration and approval, an applicant may submit to the secretary of the Planning Commission an application for a modification of any provision of Chapters 2 through 6 of this Title and Chapter 36 of Title 10. (Amd. Ord 30, Series 1990).**

The applicant submitted the initial application on December 1, 2022, which was deemed incomplete. In response additional application materials and an addendum to the application was submitted by the applicant on March 17, 2023. Specifically, the applicant has requested 3 modifications under FCC 11-7 from the following standards with a table provided by the applicant to follow:

- Minimum lot width for single family attached dwelling (FCC 10-10-4-A)
 - Modification from minimum required 25 feet to 18.75 feet
 - Variation of 25%
- Minimum lot area for single family attached dwellings (FCC 10-10-4-B)

- Modification from 2,000 sq ft to 1,837.5 sq ft on lots 1 – 22
 - Variation of 8%
- Modification from minimum required 2,000 sq ft to 1,612.5 sq ft on lots 23 – 25
 - Variation of 19%
- Minimum street frontage for single-family attached dwellings (FCC 11-5-2)
 - Modification from minimum required 25 feet to 18.75 feet
 - Variation of 25%

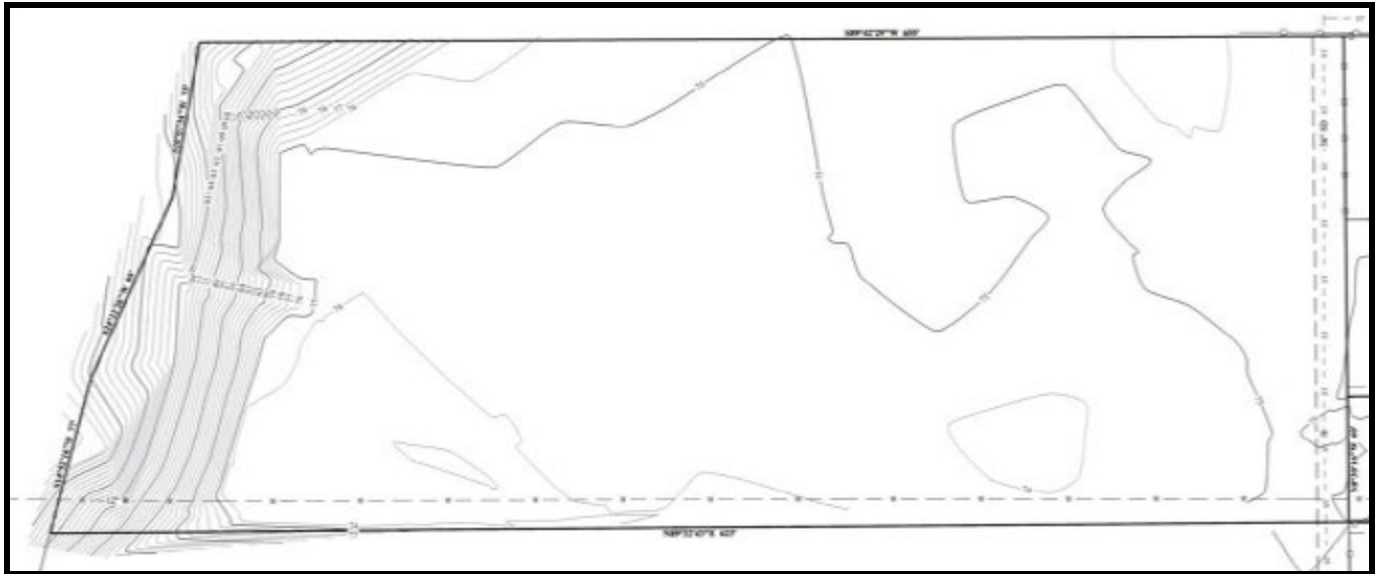
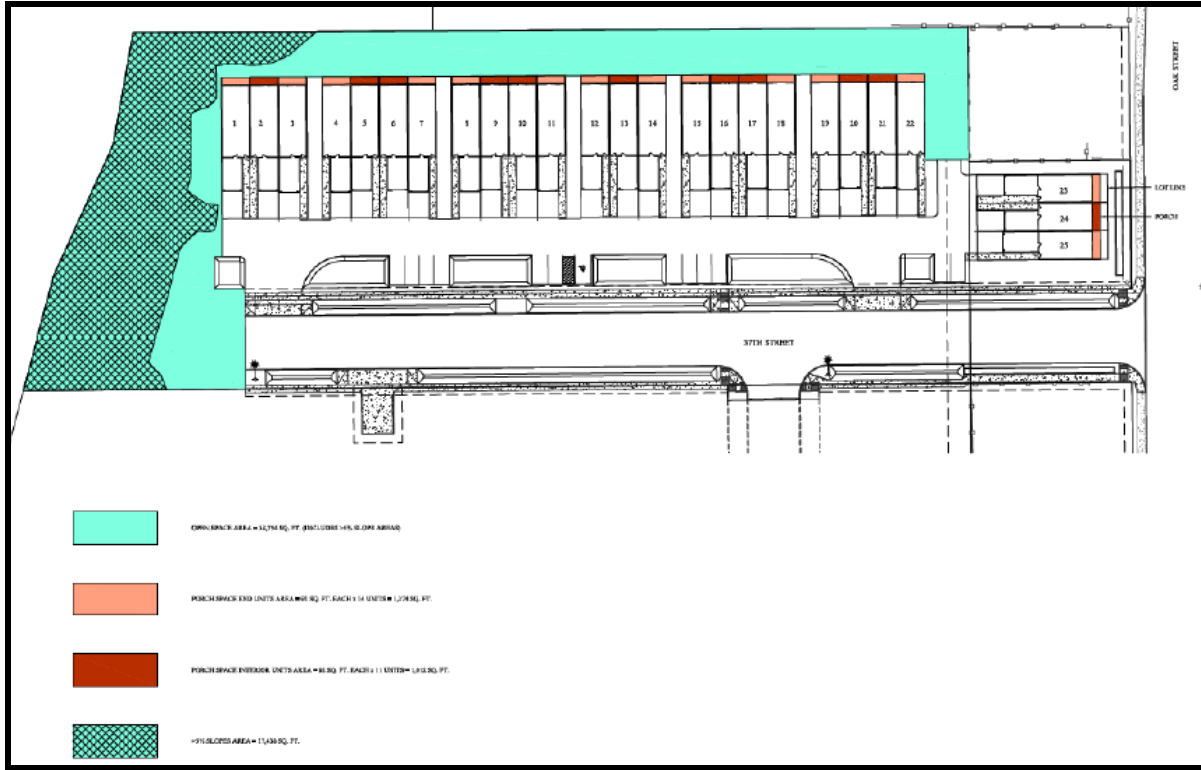
#	Code	Applies to	Standard	Proposed	% Varies
1	10-10-4: Lot and Yard Provisions: A. Table 10-10-4-A Minimum Lot Dimensions by Development Type	Minimum lot width for single-family attached dwelling	25'	18.75'	25%
2	10-10-4: Lot and Yard Provisions: B. Table 10-10-4-B Minimum Lot Area by Development Type	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%

These three modifications are included in this section as the applicant has requested these modifications under 11-7, however minimum lot area and minimum street frontage were deemed to be more appropriately addressed under 10-23 and are discussed there as well. Each modification request is addressed and analyzed below separately.

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**
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**
 - b. **Where the application is for a modification of any provision of Chapters 2 through 4 of this Title, the purpose of such provision has been fulfilled without**

a strict application thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.



Minimum Lot Width: The applicant states that strictly applying minimum lot width requirements would cause unique and unnecessary hardship and would either result in fewer lots or requiring the vegetated hill on the west to be developed.

Response: As previously stated the minimum side yard setback on the non-attached side of the dwelling unit is 5 feet. The applicant is currently proposing a 0-foot side yard setback on all lots

and all side yards, however listed the side yard setback on the unattached side as 10 feet. Coming into compliance for minimum side yard set backs on the end units of each building that have a non-attached side would increase the lot width from 18.75 feet to 23.75 feet, which would not meet minimum lot width requirements, but would be less of a modification (5% vs 25%). Additionally, the 10 feet space between buildings that doesn't have a dedicated use could be dedicated as an access easement for emergency responders while serving to increase lot width and lot square footage. 56% of the units have a non-attached wall. Therefore, increasing the lot width by 5 feet to meet minimum setback requirements would constitute a 5% modification on 56% of the lots and a 25% modification of 44% of the lots.

Additionally, the applicant is proposing 0.49 acres of Open Space, but has not proposed recreational opportunities, amenities, or landscaping plans to these areas. There may be a potential for justification of a narrower lot width on the interior units, but sufficient justification has been provided for the exterior units when there is significant open space that is not utilized for recreational opportunities or resident amenities.

Conclusion: Sufficient findings and evidence have not been provided to justify this modification in its entirety. The modification for minimum lot width shall be granted only on lots with both side wall attached to an adjacent dwelling unit. The modification for minimum lot width shall be reduced from 25 feet to 23.75 feet on the end units that have non-attached side wall as identified earlier under Code section FCC 11-7-1-A. (Condition) The interior dwelling units have met justification for the decreased lot width of 18.75 feet.

Minimum Lot Square Footage: The applicant states increasing the overall lot area to 2,000 square feet would require either fewer lots of developing the vegetated hill, or removing common parking and circulation area

Response: Lots 1 – 22 do not meet minimum setback for the rear yard and there is open space behind these units that is being propose without opportunities for recreation or amenities specified. These lots are 162.5 square feet short of the minimum lot square footage and exceed maximum lot coverage by both building coverage and coverage of total impervious surfaces. At 18.75 feet in width each of these lots would only need to increase the depth of the lot by 8.7 feet to meet the minimum lot square footage, and would resolve to minimum setback issues.

$$2000 - 1837.5 = 162.5 \text{ sq ft below minimum sq. ft. requirement}$$

$$162.5 / 18.75 = 8.667 \text{ feet increased in lot depth would meet minimum lot sq ft.}$$

As stated above, meeting minimum side yard setbacks on the lot with non-attached walls would also increase lot square footage and meet minimum lot square footage on those 56% of the lots.

Lot 23 – 25 are proposed at 1612.5 sq ft which is 387.5 sq ft below the minimum 2,000 square feet. These three lots have area on the rear of the building and the north and south sides that could allow for increased lot size. The space surround this building on three sides is not proposed for open space and no utility easements are present in this area. The applicant has not provided justification to not meet minimum square footage on these 3 lots.

Additionally, sites with unique and challenging circumstances are present throughout the City of Florence. While there are challenges present on this lot that may make development unfeasible

or cost prohibitive, this unique circumstance on the lot does not prevent the slope from being included in an individual lot's square footage to allow for meeting minimum lot sq ft requirements.

Conclusion: Sufficient findings and evidence have not been provided to justify this modification. The modification for minimum lot square footage shall be denied and considered under 10-23.

Minimum Street Frontage: The applicant states that providing the minimum street frontage would require fronting the lots onto 37th street and therefore removing the common parking area and circulation.

Response: FCC 10-36-2-A states that all new lots created, consolidated, or modified through a land division must have street frontage and approved access to a street. However, FCC 10-35-2-7-C regulating new access states that access to and from off street parking areas shall be designed to prevent backing onto a public street. While single family dwellings are exempt, a shared parking area, as proposed, would improve safety for both vehicular and pedestrian traffic. Would promote improved efficiency, circulation onsite, and safety when compared with 25 individual units all with driveways and street frontage. The applicant has also included partial plans with stormwater management facilities incorporated into the common parking area to meet stormwater management requirements onsite, making these spaces serve dual beneficial purposes. The applicant has submitted justification to allow for this modification to the subdivision plan and the modification is supported by City Code.

Conclusion: Sufficient findings and evidence have been provided to justify this modification. The modification for minimum street frontage shall be granted.

- C. Concurrent with its consideration of the application for tentative plan approval and subject to the same procedures and effective dates, the Planning Commission or its designee shall consider the application for modification. Approval of the application for modification shall be granted provided affirmative findings can be made for the criteria in paragraph B of this section and provided the tentative plans are also approved.**

Staff sought Planning Commission's review and determination on the three above requested modifications during a duly noticed public hearing on June 13, 2023. Planning Commission's final approval is indicated in Resolution PC 22 25 SUB 03. This criterion is met.

VI. CONCLUSION

The proposed application meets the criteria of City Code and the Comprehensive Plan with conditions of approval.

VII. EXHIBITS

"A"	Findings of Fact
"B"	Narrative & Application
"B1"	Project Overview and Addendum
"C"	Tentative Plan
"C1"	Tentative Plan Revised

"D"	Vicinity Maps
"E"	Wetland Delineation
"F"	Deed
"G"	Phase 1 Site Investigation Report
"H"	Stormwater Management Plan
"H1"	Stormwater Management Plan Revised
"I"	Template Structural Plan
"J"	Template CCRs
"K"	Preliminary Open Space Plan
"L"	Referral Comments – Fire Chief
"M"	Referral Comments – Public Works Director
"N"	Email Clarification & Comments on Sheet 2