

**CITY OF FLORENCE
PLANNING COMMISSION**

**RESOLUTION PC 20 07 PUD 01
RESOLUTION PC 20 08 SUB 01
RESOLUTION AR 21 21 SIR 14**

A REQUEST FOR APPROVAL OF PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN, TENTATIVE SUBDIVISION PLAN, AND PHASE 1 SITE INVESTIGATION REPORT FOR FAIRWAY ESTATES PHASES 2, 3 & 4 (PHASE C2 OF SANDPINES GOLF MASTER PLAN PUD--2004) FOR 41 SINGLE FAMILY DETACHED RESIDENTIAL LOTS

WHEREAS, applications from Pacific Golf Communities, LLC, seeking approvals for a proposed PUD which include 41 detached single-family residences, was made as required by FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-23, and FCC 11-3; and

WHEREAS, the Planning Commission met in a duly-advertised public hearing on November 22, 2022, and subsequently continued to January 10th, February 14th, February 28th, March 14th, and April 25th, 2023, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

WHEREAS, The Planning Commission closed the public hearing on April 25, 2023, leaving the written record open seven days and an additional seven days for applicant final written rebuttal and on May 23rd met to review the final testimony, applicant rebuttal and findings of fact and held deliberations then continuing them to June 13, 2023

WHEREAS, the Planning Commission of the City of Florence, per FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-23, and FCC 11-3, finds, based on the Findings of Fact, application, staff recommendation, evidence and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for a Preliminary PUD Plan, Tentative Subdivision Plan and Phase 1 Site Investigation Report for 41 detached single-family residences, for Fairway Estates Phases 2, 3 & 4 (Phase C2 of Sandpines Golf Master Plan) meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Conditions of Approval:

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

Approval shall be shown on conditions of approval as supported by the following record:

A	Findings of Fact
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B	Plat Proposal Cover Sheet 9-23-22
C	Memo-Completeness 9-23-22
C1	Memo 1-10-23
C2	Written Narrative Memo-Initial
D	Written Statement 9-23-22
E	Application Form 9-23-22
F	Existing Conditions 9-23-22
G	Plat Proposed Layout 9-23-22
H	Preliminary Utility Plan 5-10-23
H1	Stormwater & Streets Typicals 9-23-22
H1	Utility Plan Revised
I	Park Land Pathway OpenSpace 5-10-23
J	Stormwater Mgmt. Rpt 9-23-22
J1	Stormwater Mgmt. Plan Revised
K	Traffic Study 9-23-22
K1	TIA Response to Peer Review
L	Site Investigation Report
M	Wetland Delineation 4-21-21
M1	Wetland DSL WD Concurrence 9-23-22
M2	Army Corps Jurisdictional Verification 9-23-22
N	Tax lot Record & Legal Description
O	Email Submittal Narrative 1-3-23
P1	Referral Stormwater
P2	Referral TIA Review
P2a	Referral TAI Review
P3	Referral SVFR
P4	Public Works Referral Memo
P5	SVFR Referral Comments
Q	120-day Waiver Florence 1-5-23
R-1	Public Testimony - Duran
R1a	Public Testimony - Duran
R1b	Public Testimony – Fairway HOA
R1c	Public Testimony – Fairway HOA
R1d	Public Testimony – Fairway HOA
R1e	Public Testimony -Fairway HOA
R2	Public Testimony - Faber
R3	Public Testimony - Faber
R3a	Public Testimony - Faber
R4	Public Testimony - LoPilato - Stanley
R4a	Public Testimony Renee LoPilato Testimony
R4b	Renee LoPilato Testimony
R5	Public Testimony - Rhodes
R5a	Public Testimony - Rhodes
R6	Public Testimony - Davis
R6a	Public Testimony - Faber
R7	Public Testimony - Handly
R7a	Public Testimony – Fairway HOA

R8	Public Testimony - Robertson
R9	Public Testimony - HOA Sandpines
R10	Public Testimony - Handly
R10a	Public Testimony - LoPilato
R11	Public Testimony - Rhodes
R12	Public Testimony – Sandpines HOA
R13	Public Testimony – Sandpines HOA
R14	Public Testimony - Tuft
R15	Public Testimony Tuft
S	Easement Royal St George Secondary
T	Fairway Estates Memo
T2	Fairway Estates Memo-Metro Planning 5-10-23
U	Past PUD Approval 2017
U	Past PUD Approvals 2003-2016
U	PC 17 26 PUD 0-1 – Prior PUD Approval
V	Fire Code Considerations
W	Pearson Responses and Photos

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

Title: 10 Chapter 3

4. One of the two required on-site parking spaces per lot may be within a driveway. No parking spaces in the driveways or garages shall have any encroachments that reduce the size and/or availability of the spaces. All parking spaces shall include dimensions of 9’ 6” by 19’ for each parking space.
5. Subdivision street lighting shall be installed consistent with Resolution 16, Series 1999.

Chapter 6: Design Review

6. The applicant shall either construct homes that are 1900's craftsman or cottage style as approved in the Master PUD plan or provide construct homes with the architectural details meeting Old Town and Mainstreet Architectural Standards in FCC 10-6 or higher concurrently with the building permits for all housing. An associated review fee shall be required unless determined otherwise by the Planning Director.

Chapter 7: Special Development Standards

7. 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.

Chapter 10: Residential Districts

8. PUD-Primary structures shall not exceed 35 feet in height. Accessory structures shall not exceed 20 feet in height. The minimum roof pitch of all structures shall be 3:12.

Chapter 23: Planned Unit Developments

9. The project includes modifications to the code standards that are not Title 11 Chapter 7 eligible (e.g. right-of-way width, sidewalks on both sides of a street, lot frontage for lots 66 & 67 & 20' easement for block connections) The Final PUD application submittal shall include how the application meets the criteria in 10-23-5-H. Modifications to the code standards are not permitted if the criterion is not met.
10. Each phase shall include construction of temporary turnarounds meeting fire code standards and installation of Type III barricades. These shall be in place or bonded prior to plat signing for each phase.
11. The 500' fire hydrant spacing proposed in consult with the Fire Chief is adequate unless the fire code, in consideration of other presently unconsidered factors, requires 300' spacing, upon which the utility plan shall be altered to meet this interval.
12. The North East access to adjacent lots 65, 66, 67 & 68 shall include a sidewalk constructed to city standards from Dunbar to the northern property line to connect to the future pedestrian gate. The final PUD or plat proposal shall include a proposed name for this NE access. A sign shall be placed at the street entry for each pathway connection announcing it as a pedestrian connection or similar.
13. In conjunction with Final PUD application the construction plans for the outer perimeter pathways shall be provided. If they are to count towards the extra recreation area that is still required the paths shall be constructed to park/recreation industry standards with a minimum 8' width and 2" deep bark, asphalt, or ¾" minus gravel. The area not constructed as pathway shall not count towards the recreation open space calculation

- unless recreation amenities are included such as resting and passing space with durable park quality benches, tables and/or pet waste stations or combination thereof. Trees shall be planted along the paths at a ratio spacing of 1 per 50' linear feet.
- 14.** The Final PUD application shall include a plan for all open spaces that provides for either recreation amenities to support the use or replanting with native shrub, tree and groundcover species replicating the site prior to clearing as shown by aerial photography dated prior to approval of AR 20 04 VEG 02. Open Space along the northern perimeter shall include fencing and vehicular and pedestrian gates constructed of coated chain link matching Phase 1 with access for Fairway Estates residents and SVFR emergency and Public Works.
 - 15.** The Final PUD application shall include evidence that the recreational open spaces will be provided in greater amount than the 25% required. A final open space and recreation space plan shall be provided with Final PUD application that includes the sq. ft. calculations, percentages and construction details, replanting plans and recreation amenities.
 - 16.** Required open space and recreation areas, including Tract A shall be provided in proportion or greater than their phase size (e.g.: 3 phases=33% of required open and recreation spaces provided with each phase). The open space and recreation areas shall be constructed/improved prior to final plat signing for their respective phase, unless a performance bond or other assurance is provided.
 - 17.** The applicant shall either pay the entire fee-in-lieu amount prior to plat signing for the first phase or pay a per lot amount of fee-in-lieu prior to final plat signing for each phase.). The amount owed shall be adjusted to the most current real market average sq. ft. value published by the tax assessor. The current fee-in-lieu amount using values published in 2022 is \$3.85 per sq. ft. of open space fee-in-lieu established at Final PUD submittal (and will be adjusted as mentioned in this condition if new values are published at the time of the PC's PUD final decision). This amount is based on the average weighted linear frontage amount. With Final PUD submittal the open space plan shall be adjusted to remove the utility easement area from the net area calculation in accordance with code.
 - 18.** Required plantings for open spaces shall be designed and proposed through a landscape plan by a licensed landscape architect.
 - 19.** Typical home renderings shall be provided with the Final PUD application.
 - 20.** With the Final PUD application, the applicant shall provide agreements, provisions or covenants to govern the use, maintenance and continued protection of the PUD and its common open space and recreation areas.
 - 21.** With the Final PUD application, construction plans shall be provided for the accessway between lots 65, 66, 67, and 68 illustrating its planned connections with the northern on-site pathway and the southern street from which it extends from. A pedestrian connection/demarcation (different paving material or thermoplastic connection) shall

- extend North East from the sidewalk adjacent to Lot 81 to the pedestrian accessway that connects to 3 Mile Prairie land to the north.
- 22.** Signage shall be installed indicating which side of the street parking is permitted.
 - 23.** The PUD phasing shall be completed within 8 years of preliminary PUD approval with each final development plan for a phase submitted within 2 years of each other. If final plat is not recorded by 2029 then the applicant shall update the TIA traffic counts to ascertain the intersections are operating within standards. The revised analysis shall be submitted with the final plat application for PC review and approval.
 - 24.** With final plat applications the materials shall provide notation or easement illustrating the street and pathways proposed use as a private HOA access. Additionally, in accordance with city code requiring street connections to parklands and the implementation of the Sandpines Master Plan, emergency vehicular and pedestrian ingress and egress shall be provided to Public Works through the accessway.

Chapter 36: Utilities:

- 25.** Telephone, cable, fiber, and electricity lines are not illustrated on the utility plans and shall be placed underground.
- 26.** The 2003 Master Plan modification approval includes water looping between this project and the one to the east-C3. The water line proposed for in the access area between lots 65, 66, 67, and 68 shall be sized to accommodate future connection, placed in an easement and extended to either the northern edge of the project to the city park property line or eastward within the open space area for future C3 connection.
- 27.** All streets, lanes or tracts shall allocate no parking areas, per State requirements, around all fire hydrants located within the development.
- 28.** The applicant shall apply and receive required state permitting such as NPDES prior to the site disturbance.
- 29.** All proposed utility easements shall be a minimum of 15' wide. All easements shall be illustrated on the plat.
- 30.** Prior to construction of streets or utilities an engineered final construction plan and utility facility specifications shall be submitted for review and approval by the Public Works Director. Stamped approval will be shown on the utility plans.
- 31.** The structures built in Phases 2, 3, and 4 shall meet ORS 918-480-0125-4e implemented by 2021 Oregon Residential Specialty Code R327. At such time secondary access is available that meets Fire Code D107 standard construction may be performed and this alternative method end. Emergency vehicular access connection shall be available to the abutting City property to the north to provide the opportunity to meet fire code requirements.
- 32.** The final utility plan shall include the standard drawings for street signs and street lights and they shall meet code and city standards. Mailbox plans shall be reviewed and approved by the US Postal Service.

Chapter 37: Lighting

- 33.** Each home shall provide full cut-off lighting and/or the exceptions from 10-37 as follows: 1. One partly shielded or unshielded luminaire at the main entry, not exceeding 630 lumens. 2. Any other partly shielded or unshielded luminaires not exceeding 315 lumens. 3. Low voltage landscape lighting aimed so that glare is not visible from adjacent properties and not exceeding 525 lumens per fixture. 4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding 1,260 lumens. 5. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 10 minutes after the area is vacated. 6. Decorative low wattage lights (Individual lamps 525 lumens or less).

Chapter 35: Access

- 34.** Driveway approaches shall receive a right-of-way permit for construction to ensure the approaches have been designed and located to conform with the City's spacing and design standards in accordance with 10-35-2-12-B.
- 35.** The sidewalks shall have signage and a demarcated connection to adjacent pathways through either pavement markings, thermoplastic, or contrasting paving materials (e.g., light-color concrete inlay between asphalt) to illustrate the crossing area. Use of paint or thermoplastic on a 28' wide street constitutes an exception from 10-35-3-3-B.
- 36.** The driveway access serving Lots 65, 66, 67, and 68 shall be paved a minimum width of 18' wide with 20' of unobstructed aisle width and shall be signed "no stopping parking prohibited".
- 37.** The pathway in Phase 1 shall connect with the adjacent one in Phase 2.
- 38.** The accessways/pathways used to meet block length criteria and those connecting offsite shall meet the provisions of 10-35-3 related to design and construction, except that the 20' easement is not required. The multi-use paths provided to meet block length criteria shall be concrete or asphalt at least 10 ft. in width. All of the pedestrian accessways except the northern and western project perimeter ones are used to meet block length criteria.
- 39.** All walkways and multi-use paths shall conform with applicable ADA requirements. Ramps will be provided where walkways intersect with driveways and streets, On-site residential walkways will provide direct routes to primary building entrances.

Title 11: Chapter 3: Subdivision Tentative Plan Procedure and Misc.

- 40.** Each phase shall have a fire code official approved turnaround for any leg of street or drive extension over 150' long. Easements for these emergency access will be required as they will be constructed on the subsequent phase.
- 41.** The Phase 4 accessway shall either be platted as a private right-of-way or as a tract and have a private access easement for vehicular and pedestrian uses.
- 42.** The applicant shall provide financial security for proportionate contribution for the future right-of-way improvements to Rhododendron Dr. in conformance with the TSP for Phases 2, 3 and 4. Proportionate financial security shall be provided to the City of

Florence prior to Final Plat approval or prior to turning improvements over to the Home Owners Association for the respective phase and/or prior to issuance of the building permit for the home on the lot that constitutes the point at which HOA turnover would occur as stated in the CCR's and/or Bylaws. Failure to do so does not pass the financial obligation on to the HOA. Payment remains the responsibility of the applicant and no additional building permits will be issued until payment is received or a notarized plan for payment is coordinated with the City. The per lot cost is \$358.20 per dwelling to be adjusted by Engineering News Record (ENR) 20-City Composite Construction Cost Index (CCI), and shall be the difference between the ENR CCI for the month in which the tentative subdivision plan is approved and the ENR CCI for the month in which the final plat is signed or building permit is pulled, whichever event the applicant chooses to pay.

43. An affidavit of services of the engineer or land surveyor shall be provided with final plat application.
44. The name of the proposed subdivision and streets shall be provided with final plat application for review and approval by the Planning Commission. The names cannot be duplicates and the street names must be in keeping with named area streets per Title 10, Section 8-2-1-1 or receive an exception from the City Council.
45. The applicant shall include reservations or restrictions in an instrument such as a Covenants, Conditions and Restrictions that is required for Final PUD approval,

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD
the 13rd day of June, 2023.

Sandra Young, Chairperson
Florence Planning Commission

Date