FINDINGS OF FACT (Revised Draft)
FLORENCE PLANNING COMMISSION
Exhibit "A"

Public Hearing Date: January 11, 2022 **Planner:** Roxanne Johnston
Application: PC 21 28 PUD 01 & AR 21 21 SIR 14

I. PROPOSAL DESCRIPTION

Proposal: Application approvals for Rhododendron Arbor, a Final planned unit development (PUD) and associated Type 1 Site Investigation Report (SIR) in order to develop an approximately 9.28-acre residential PUD. This proposal includes 31 detached single-family residences, 49 single-family attached residences, and 40 multi-family units. Amenities to support this PUD include a pavilion, picnic areas, seating, a children's play area, walking trails, dog park, and pocket garden. Open space includes a pavilion, picnic areas, seating, children's play area, walking paths, dog park, pocket gardens. The project contains a private street and lanes.

Applicant: Ashlee Sorber, representing APIC Florence Holdings, LLC

Property Owners: APIC Florence Holdings, LLC

Location: Northeast intersection of Rhododendron Dr. and 35th St.

Site: Assessor's Map # 18-12-15-33, Tax Lot 0700; Map # 18-12-15-34, Lots 3800, 3900, 4000, 4100 & 4200; & Map # 18-12-22-21, Lot 1900

Comprehensive Plan Map Designation: Medium Density Residential

Zone Map Classification: Mobile Home/Manufactured Home Residential (RMH)

Surrounding Land Use / Zoning:

Site:	Vacant / (RMH)
North:	Single-family residences/ (RMH)
South:	Single-family residences/ (RMH)
East:	Single-family residences/ (RMH)
West:	Single-family residences/ Low Density Residential (LDR)

Streets / Classification:

Site: Windsong Loop / Private Drive ■ West: Rhododendron Drive / Minor Arterial ■ South: 35th St. / Collector ■ East: Siano Loop / Local ■ North: None

II. BACKGROUND AND NARRATIVE:

These findings are a composite of staff findings from November 23, 2021 and January 11, 2022. The first public hearing for the PUD and Phase 1 SIR applications was to be held on November 23, 2021. This hearing was postponed to the December 14th Planning Commission hearing at the request of the applicant so that they could respond to the draft resolution conditions.

During the December 14th hearing, staff delivered the staff report, explaining that updated materials had been recently submitted by the applicant and there had not been time to review them. Planning Commission voted to close the hearing and written record and continue their deliberations to January 11, 2022 so that they and staff would have time to review the new materials These include updates to exhibits that had

already been posted online. The applicant submitted them with the intention of meeting proposed conditions outlined in the November 23, 2021 draft resolution. Therefore, these findings of fact represent a revision to those publicly posted and reviewed prior to the December 14th public hearings. In order to track what has changed from the earlier and current findings as a result of newer submissions, staff has used the '~~strike through~~' tool in the next section of the findings of fact when they have been deleted (because they are no longer applicable) after those dated December 14, 2021, and have also <u>underlined</u> new text starting in Section V of these findings.

The following is a list of materials submitted on and dated December 10, 2021: a memo by Mercedes Serra of 3J Consulting to Senior Planner Johnston and transmittal sheet listing materials responding to particular conditions of approval in draft Resolution PC 21 28 PUD 01 & AR 21 21 SIR 14 (Exhibit cc) ; Branch Engineering's letter to APIC's Ashlee Sorber, by Ronald J. Derrick, P.E., G.E., titled "Geotech Response to Mapped Presence of Yaquina Soil On Site" Exhibit ff); a revised Parking and Circulation (Exhibit dd, an update of Exhibit F from the November and December hearing materials); Exhibit ii, which is a revision of Exhibit S, Sheet C210 which updates a typical alley cross section; Exhibit gg, a Stormwater Management Report revision in response to Civil West's comments; Exhibit ee, a comment Response Log by 3J Consulting to Mike Miller, Public Works Director; Exhibit hh, a Fire Flow and Hydrant Spacing Worksheet; Exhibit kk, a revised Civil permit set (revised Exhibits W series from 12/14/2021; Exhibit gg which is a Stormwater Report (revised Exhibit N from 12/14/2021).

The following is a list of materials submitted on and dated December 10, 2021: Exhibit aa, a response to the Planning Commission by Elaine Albrich on behalf of the applicant, which discusses that the recent resubmittals of materials satisfied proposed Conditions 1,2,6,8 and that these conditions should therefore be deleted. Albrecht also provided revisions to proposed Conditions 3, 4, 7,10 and 13, and justifications for how the materials meet particular conditions of approval outlined in the proposed Resolution PC 21 28 PUD 01 and AR 21 21 SIR 14. Also submitted on Dec. 13 is Exhibit bb, which replacement set of Exhibit G. This exhibit provides details of open space, recreational space, landscaping, irrigation and phasing.

The preliminary Planned Unit Development and tentative plan related to this proposal were conditionally approved by City Council on November 9, 2020 (Exhibit D) after 36 of the Conditions the Planning Commission had previously approved on September 8, 2020 under PC 20 07 PUD 01 and PC 20 08 SUB 01 (Exhibit C) were appealed by three appellants. The City Council upheld all but three of these conditions approved by the Planning Commission and removed Condition 19 as it was duplicated in another condition. The three conditions by the City Council of the final approval included conditions relating to density (a reduction of 6 units) and direction to re-calculate density, off-street parking review (provision of an updated plan for the final PUD), and a slight change in wording of a condition related to a vegetated landscape buffer.

With the preliminary residential PUD and tentative plan applications, the applicant asked for several exceptions (modifications) not permitted outright in the underlying RMH district, but are allowable upon Planning Commission approval through the PUD process. These include: 1) increased lot coverages, 2) reduced setbacks. 3) reduced parking pads, 4) reduced lot sizes, 5) increased density, 6) reduced internal lane widths, 7) reduced street widths, 8) lots served by private lanes instead of streets, and, 9) an exception from the required on-site parking spaces for 8 units; meaning that these 8 spaces would be off-site within parking along the private loop road.

With the current proposal, the applicants have met numerous times with City staff in order to meet all conditions of prior approvals. Although approval of a PUD requires a quasi-judicial Type III review with a public hearing by the Planning Commission, the applicant concurrently submitted a Phase 1 Site Investigation Report (SIR) which is typically processed under a Type 2 administrative process. The SIR is being reviewed in these findings as it was conditioned twice in Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 (Conditions 12 & 30 in Exhibit C). Additionally, the SIR was submitted before some of the related reviews had been completed, which are detailed more fully in FCC 10-7.

The applicant has included a conditions of approval checklist in their Narrative (Exhibit E) and describe how or when those conditions are to be met. The materials submitted are used in conjunction with the applicant's

preliminary PUD plan as the materials seek to meet the requirements of prior conditions of approval. Again, the applicants submitted new materials in December with the intent to meet most of the proposed conditions that were shown in Resolution PC 21 28 PUD 01 & AR 21 21 SIR 14 dated December 14, 2021.

Conditions from the preliminary PUD and tentative plan approval, Resolution 20 07 PUD 01 and PC 20 08 SUB 01 that are related to final plat application submittal or to be met prior to the permitting processes are generally, unless linked with another required document, not included in these findings. These include Conditions 5, 7, 8, ~~8a~~, 10, 13, 16, 18, 21, 29 and 33. Conditions associated with the permitting/construction process include Conditions 3, 6, 7, 8, and 10. Conditions 1 and 2 are standard, although the applicant did fulfill the requirements of Condition 2 by submitting their Agreement of Acceptance to staff. Of the conditions placed on the applicant through Resolution No. 28, Series 2021, Condition 1.a. requires the applicant to recalculate the net density to exclude the area proposed for dedication of public facilities within easements. A recalculation of net density has not been submitted and the condition shall be met. [**Condition 15**]

III. NOTICES, TESTIMONY & REFERRALS:

Notices: On November 3, 2021 notice was mailed to surrounding property owners within 300 feet of the property and signage posted on the property. The public hearing notice was published in the November 13, 2021 edition of the Siuslaw News.

Testimony: At the time of this report, the City received written testimony that has been summarized below and added collectively under Exhibits Q1 through Q5.

Dal Pra: Expressed dissatisfaction with City leadership.
Marks: Transportation and water surface management concerns and impact on Mariners Village.
Williams: Concerns with stormwater as experienced in the past – provided two historic documents related to stormwater.
Matisoff: Concerned about traffic safety and that the "traffic survey is very flawed."
Hadley: Concerned about increased traffic.

Referrals: On November 4, 2021 referrals were sent to required recipients.

On January 4, 2022, Tony Miller, Fire Marshal for SVRC had the following referral comments/question:

"I was reviewing the revised plan for the proposed development at Rhododendron Dr & 35th St. I reviewed all the lanes (Autumn Gold, Bellrose, Coral Mist, Dappled Dawn, Evening Glow, and Fair Sky) when they intersect or connect with Windsong LP and noticed the C5 Parking & Circulation page was not attached to the re-submitted plans. Page C5 Parking & Circulation page noted the lane widths, with the turning radiuses of the fire apparatus, the apparatus would cross into each lot or structure depending on the setbacks. I supplied the specification sheets for our apparatus turning radiuses to the engineer."

"Has this been addressed in the re-submitted plans? Are the setbacks adequate for fire department access with our turning radius?"

Staff has addressed this referral under FCC 10-35 Access and Circulation and has proposed Condition 8.a to ensure conformance with Fire Code.

On January 6, 2022, staff received a referral from Kerry Session, P.E. of Civil West Engineering (Exhibit jj):

"…I wanted to let you know that I downloaded and reviewed the plans dated 12/10/2021 and the engineer did not address any of the comments I raised."

The reference to the referral involves proposed Condition 10 of the December 14, 2021 Final PUD resolution. Staff addresses this referral comment under FCC 10-7-6.
Exhibit mm contains an email thread with Mike Miller, Public Works Director, Matt Kohlbecker, RG with GSI Water Solutions, Inc. and a reply be 3J Consulting's Kathleen Freeman regarding stormwater calculations

that varied between Stormwater Reports submitted prior to December and the most recent, shown in Exhibit gg:

Matt Kohlbecker on 1/06/2022:

"It appears that the updated stormwater management plan reduces the amount of impervious area:
• Previously, there was a total of 231,733 square feet of impervious area in the development (see Table 2 of the GSI memo—the sum of the impervious area in the "Impervious Area Drained" column).
• Currently, there appears to be a total of 182, 031 square feet of impervious area in the development [see Page 27 of the PDF, title = "Post-Construction Conditions"; sum the impervious areas beneath the table (153,331 SF + 14,759 SF + 13,941 SF = 182,031 SF)].
• It is also worth noting that the area drained by the "Biofiltration Pond" (the only infiltration facility that caused a groundwater level rise at the springs) has decreased from 118,879 SF to 76,522 SF mounding (I am summing 73,922 SF and 26,000 SF in the table from the above-referenced "Post-Construction Conditions" figure).

In summary, because impervious area has decreased, the mounding will decrease—so the updated stormwater management plan does not change my comments.
That said, I recommend asking 3J to verify that my statements about impervious area reduction are correct."

Kathleen Freeman, PE, CFM on 1/07/2022:

"Per comments received on the Stormwater Management Report dated September 16, 2021, there was a discrepancy in impervious area when tabulating the future impervious area (including impervious area from just the PUD). The future impervious area for the entire property were retabulated and it was discovered that all area draining to the future drywells (13,941 sf) and offsite improvements (14,759 sf) were included in the Biofiltration Pond, which accounts for the largest portions of the decrease. Additional minor errors were found that included 5,026 sf draining to the Biofiltration Pond and 2,869 sf to Infiltration Basin #2.
We have verified that the correct impervious areas including all future buildout have been accounted for the Stormwater Management Report, dated December 10, 2021."

Stormwater is discussed under FCC 10-7 of these findings of fact. Although there has been a question and answer exchange between GSI and CJ3 Consulting (the applicant), the applicant was to work on the Phase 1 SIR with GSI as conditioned in # 30 of Resolution PC 20 07 PUD 01and PC 20 08 SUB 01 which did not happen. Condition 30:

"Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade."

IV. APPLICABLE REVIEW CRITERIA

<u>Florence City Code:</u>

Title 10: Zoning Regulations, Chapters

1: Zoning Administration, Sections 1-4, 1-5; 1-6-3
3: Off-Street Parking and Loading, Sections 4 & 9

7: Special Development Standards: Sections 1, 2B & E, 3H, 6 & 7
23: Planned Unit Development, Sections 5 & 11 through 14
34: Landscaping, Sections 3 through 5
35: Access and Circulation, Sections 2-2 through 2-14, 3-1 through 3-4.
36: Public Facilities, Sections 2-1 through 2-5; 2-7, 2-8; 2-10 through 2-19; 2-2 through 2-23; and Sections 3 through 9
37: Lighting, Sections 2 through 6

Title 9: Utilities
Chapter 5: Stormwater Management Requirements, Sections 1 through 6

Florence Transportation System Plan

Realization 2020 Florence Comprehensive Plan

Florence Stormwater Management Plan & Master Plan Update

Conditions of Approval for Resolution No. 28, Series 2020

Conditions of Approval for Resolution PC 20 07 PUD 01 & PC 20 08 SUB 01

V. FINDINGS

Code criteria are listed in **bold**, with responses 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; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

The proposed application for the final residential PUD was submitted on a City of Florence land use form and deemed "Complete" as of September 29, 2021. The nature of the final PUD proposal requires a Type III (Quasi-Judicial) procedure with a public hearing whereby notice is provided. The Phase 1 Site

Investigation Report is typically processed under a Type 2 administrative review but is being included in these findings. The notification procedures meet the requirements of FCC 10-1-1-5.

E. Traffic Impact Studies:

1. **Purpose of Traffic Impact Study: The purpose of a Traffic Impact Study is to determine:**
   a. **The capacity and safety impact a particular development will have on the City's transportation system;**
   b. **Whether the development will meet the City's minimum transportation standards for roadway capacity and safety;**
   c. **Mitigating measures necessary to alleviate the capacity and safety impact so that minimum transportation standards are met; and**
   d. **To implement section 660-012-0045(2)(e) of the State Transportation Planning Rule.**

2. **Criteria for Warranting a Traffic Impact Study: All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment to the Comprehensive Plan, zoning map, or zoning regulations; a change in use; or a change in access, if any of the following conditions are met:**
   a. **A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.**
   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.**
   d. **[…]**
   e. **[…]**
3. **Traffic Study Requirements: In the event the City determines a TIS is necessary, the information contained shall be in conformance with FCC 10-35-2-5, Traffic Study Requirements.**

The applicant submitted a preliminary and updated Traffic Impact Studies during the preliminary PUD process which have been extensively peer reviewed. As a result, the applicant was conditioned under Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 (as amended by Resolution No. 28, Series 2020) to meet code. The following conditions are related to the TIA:

"Condition 11. The Applicant shall enter into a development agreement with the City for the construction of a southbound left-hand turn lane at the intersection of 35th and Rhododendron Drive and its intersection reconstruction. Improvements would be funded in a combination of proportional SDC funding and/or credits with City participation and developer contribution."

The City received a draft of the development agreement by the applicant on June 11, 2021 (Exhibit V).

"Condition 15. The applicant shall construct the cross-section standard for Rhododendron Dr. or as modified by the Public Works Director or enter into a non-remonstrance agreement for proportionate contribution to near future improvements to Rhododendron Dr. in conformance with the TSP."

The City also received a draft of the non-remonstrance agreement which is included with the development agreement submitted by the applicant on June 11, 2021. Condition 15 will be met upon approval of construction plans or after entering into a final non-remonstrance agreement with the City.

An important note is that Exhibits C and D, Planning Commission and City Council Resolutions, contain conditioned final approvals. No new approvals on traffic, density, and stormwater over and above what has been conditioned, for example, may be imposed on the applicant.

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.)

1. The City shall take final action on housing applications meeting the criteria of ORS 197.311 within 100 days.

B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.

2. When proceedings are consolidated:

a. The notice shall identify each application to be decided.

b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.

c. When appropriate, separate findings shall be prepared for each application. Separate decisions shall be made on each application.

On November 3, 2021, notice for the final PUD and the Phase 1 Site Investigation Report was mailed to surrounding property owners within 300 feet of the property and signage posted on the property. The public hearing notice was published in the November 13, 2021 edition of the Siuslaw News.

The notification procedures for the public hearing date meet the requirements of FCC 10-1-1-5.

C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

1. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.

a. The required forms.

b. The required, non-refundable fee.

c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

2. Completeness.

a. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.

b. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above.

c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

d. Coordinated review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

The application for the final PUD was received by City staff on the required form whereby the required signatures were provided along with the required fees on September 29, 2021. The Phase 1 Site Investigation Report was submitted April 16, 2021 on a City form – this SIR was conditioned to be provided during the Preliminary PUD and Tentative Plan approval through Conditions 12 and 30. After checking for completeness, the application was deemed 'complete' as of that date. Criterion met, and a review may be found under FCC 10-7 of these findings.

D. City Planning Official's Duties. The City Planning Official (Director) or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions.

2. Accept all development applications that comply with the requirements of this Chapter.

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report and findings may also provide a recommended decision of: approval, denial; or approval with specific conditions that ensure conformance with the approval criteria.

4. Prepare a notice of the proposal decision:

b. In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven (7) days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 10-1-1-6-1 (Type I), 10-1-1-6-2 (Type II), 10-1-1-6-3 (Type III), or 10-1-1-6-4 (Type IV).

The ~~current~~ findings of fact (Exhibit A, dated Nov. 23, 2021) and additional Exhibits ~~have~~ had been prepared and were to be available for examination and upon request on November 16, 2021. Staff was unable to supply the applicant the requested materials until November 17. Additionally, materials related to the application were posted on the City's website. With exception to FCC 10-1-1-5 D-4-b, these criteria have been met.

All noticing for the November 23, 2021 Planning Commission meeting was in accordance to the above codes.

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:

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.

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.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

On November 3, 2021, notice was mailed to surrounding property owners within 300 feet of the property, and signage posted on the property. The public notices contained the information in the above code. The public hearing notice was published in the November 13, 2021 edition of the Siuslaw News. The notification procedures meet the requirements of FCC 10-1-1-5 with exception to FCC 10-1-1-5-D-4b.

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. 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.

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. Ay 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.

A request for a Final Planned Unit Development requires Planning Commission review with a public hearing and therefore represents a Type III Quasi-judicial process.

Although typically processed as a Type 2 Administrative Review, the Phase 1 Site Investigation Report form and materials are included for review as a requirement of Conditions 12 and 30 of the Preliminary PUD and Tentative Plan approvals. Additionally, the Phase 1 SIR was conditioned to be filled out with the assistance of a qualified hydrogeologist. Staff is not certain that the SIR was completed in the order conditioned as the report by the hydrogeologist group (GSI Water Solutions) dated July 21, 2021 reviewed a July 6, 2021 Geotech report supplied by the applicant. The materials for the SIR are examined under FCC 10-7 of these findings.

Once the decision has been made by the Planning Commission, a Notice of Decision will be sent according to this Section.

CHAPTER 3 OFFSTREET PARKING AND LOADING

Parking was reviewed with the preliminary PUD; particularly as on-street parking was scrutinized in many of the concerns raised in the Testimonies. Two parking spaces for all but six of the single-family detached homes are supplied by means of a garage and parking pad next to each unit. Those units without a parking

pad provide a two-car garage. The attached units provide two car garages except where a reduction of 1 parking space per each of the 5 one-bedroom single-story attached units was approved by City Council. FCC Table 10-3-1, below, requires 2 per each single-family unit, regardless of the bedroom count.

The preliminary PUD proposed that the southern multi-family development complex provide 35 parking spaces and the northern provide 26 spaces. Each complex required 29 spaces based on the 12 and 11 one and two-bedroom provisions. The northern complex was deficient 3 spaces. This deficit was addressed in the final PUD application having reduced the number of units from 23 to 17 and converting to all two-bedroom units.

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:

A. Residential and Commercial Dwelling Types:

Single Family Dwelling including attached and detached dwellings and manufactured homes	**2 spaces per dwelling unit on a single lot**
Multiple-family dwelling **Studio & one bedroom units** **Two-bedroom units** **Three-bedroom units or larger**	 **1 space per unit** **1 1/2 spaces per unit** **2 spaces per unit**

The proposed development continues to include 31 detached and 49 attached single-family dwellings (five of which are single-story one-bedroom units) which code requires a total of 160 spaces. However, as explained earlier, City Council (Exhibit D) approved a reduction of one space for each of the 5 one-bedroom single-story townhome units, which brings the total required parking spaces for detached and attached units to 155 spaces.

The City Council also required that the applicants subtract 6 dwelling units from their overall density proposal. As such, they have eliminated six units from their apartment complexes, overall, which reduces the number of parking spaces required from the original proposal by 4 spaces. Below are tables provided by the applicant in their Narrative (Exhibit E, p.13) which breaks down the number of apartment units by one- and two-bedroom units within their respective apartment complexes – North and South, and calculations of required spaces for each building. Please note that a minor error has been found in the calculations for the required south apartment's parking. Instead of reading "11 (1-bed) x 1.5 spaces/unit = 16.5 p spaces" the table should read "11 (2-bed) x 1.5 spaces…": This does not change the parking space count requirement, which is noted correctly:

North Apartments:
Unit Types:
(17) Two-bedroom apartments
Required Parking Calculation:
17 (2-bed) x 1.5 spaces/unit = 25.5 spaces
26 spaces required
Provided Parking:
26 spaces

South Apartments
Unit Types:
(12) One-bedroom apartments
(11) Two-bedroom apartments
Required Parking Calculation:
12 (1-bed) x 1 spaces/unit = 12 p spaces
11 (1-bed) x 1.5 spaces/unit = 16.5 p spaces
29 spaces required
Provided Parking:
35 spaces provided

Although included on Sheet C-5 of the preliminary PUD materials, parking spaces for the apartment complexes ~~are~~ were not included in the updated Sheet C-5 of the "Parking and Circulation Plan" submitted with the application. Parking is shown on several Sheets within Exhibit G of the Dec. 14, 2021 materials. The North Apartment Complex parking lot provides 26 parking spaces as referenced in the above table and the South complex, 35 spaces; an excess of six spaces from the required 29. Parking space criteria are met for both apartment complexes. However, contrary to the applicant's Narrative regarding Condition 4 of PC 20 07 PUD 01 and PC 20 08 SUB 01, the condition ~~is~~ had not been met due to the lack of parking space information and dimensions for the multi-family complex parking lots:

"Condition 4. For the Final PUD application, the applicant shall submit to the Planning Department an updated parking lot plan on Sheet C-5."

~~While street parking dimensions have been provided within the Sheet C-5 submittal; again, it lacks the dimensioned parking space count for the apartment complexes. Condition 4 was specific to the off-street parking spaces so the dimensioning of spaces and access aisles could be reviewed for compliance with the code. The applicant shall supply dimensioned parking plans for all off-street parking spaces in accordance with FCC 10-3-9 for review and approval prior to site disturbance or application for Final Plat whichever occurs first. This will be processed as a Type 1 land use application and subject to associated processing fees. [**Condition 1**]~~ On December 10, 2021, the applicant re-submitted an updated Sheet C5 thereby demonstrating that Condition 4 from PC 20 07 PUD 01 and PC 20 08 SUB 01 has been met. (Exhibit dd). This parking plan continues to show parking available next to the fire hydrants. Condition 20a of Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01: "*All streets, lanes or tracts shall allocate no parking areas, per State requirements, around all fire hydrants located within the development"* Condition 20a remains unmet. [**Condition 8.b.**]

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for single-family and duplex homes) 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.**

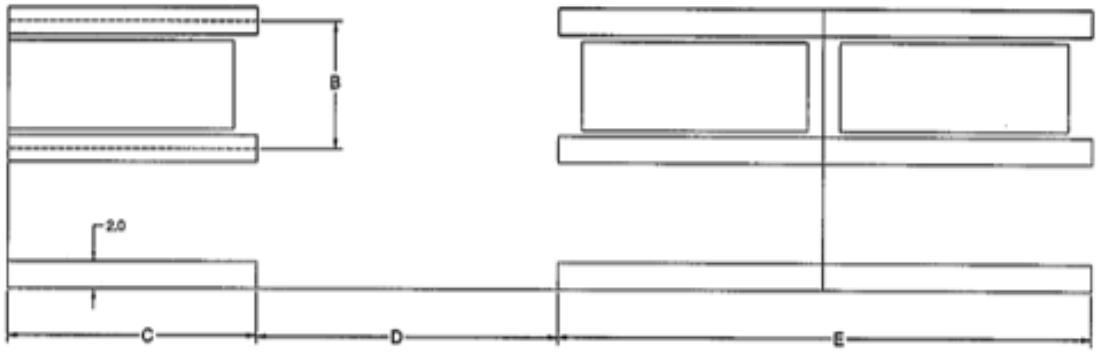


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
	Parking Angle <°	***Stall Depth***		***Aisle Width***		***Stall width (B)***	***Curb Length (F)***
		Single (C)	***Double (E)***	***One Way (D)***	***Two Way (D)***		
Space Dimensions in feet	***30°***	***15.6***	***26.7***	***12***	***18***	***9.5***	***19.0***
	45°	***18.4***	***334***	***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***

With the preliminary approval, the applicants requested modification through the PUD process of their parking stall depth and widths on the uncovered single family detached lot spaces. The requirement is 9 feet, six inches by 19 feet. The applicant proposed 8' X18' stalls.

CHAPTER 7 SPECIAL DEVELOPMENT STANDARDS

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with wetlands or riparian areas and potential problem areas, such as natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. Compliance with these standards is required in order to obtain a permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. (Amended Ord. No. 10, Series 2009)

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:

B. **"Soils Map", Florence Comprehensive Plan Appendix 7.**

E. **Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)**

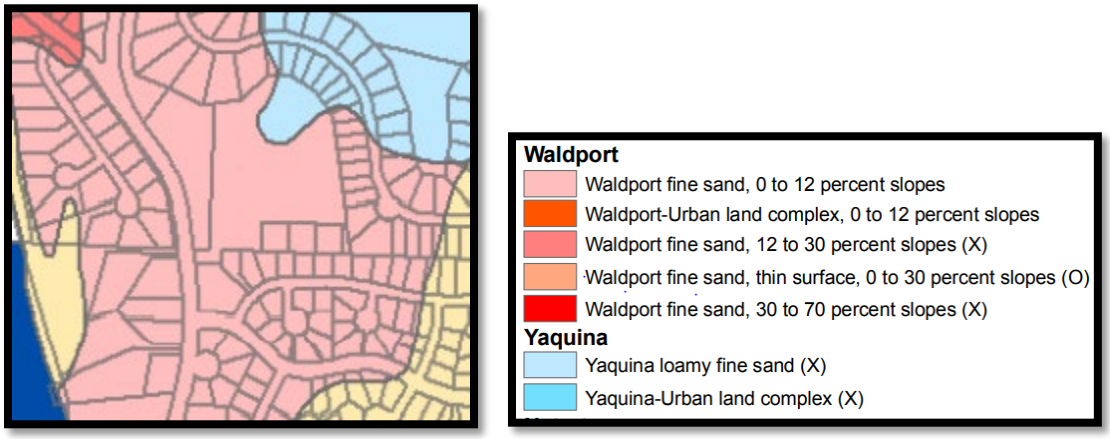
10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS: The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay 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)

[…]

(*Excerpts from Florence Realization 2020 Comprehensive Plan Soils Map*)



The City of Florence Soils Map and the applicant's Stormwater Management Report illustrates Yaquina loamy fine sand in the NE corner of the project site. T Also, the property is identified in two comprehensive planning documents, the Florence Stormwater Management Plan (2000) and the *Florence Area Local Wetlands and Riparian Inventory* (2013 Plan). The stormwater plan identifies reported flooding along the western portion of the site extending along the property adjacent to Rhody Dr. and points north within the golf course property (Central Drainage Area). The wetlands inventory illustrates two locations of probable wetlands on site. The presence of the Yaquina soils and potential problem areas triggers the requirement of a Phase I Site Investigation Report unless the hazards are found to not be present or there are other standards available to mitigate the risk.

A 2015 wetlands study performed on the site found wetlands in the project area in the southern portion of the site. In July 2020 the applicant provided a wetland delineation from Pacific Habitat (Exhibit I), the same company who performed Florence' Wetlands Inventory. Staff made notification to Department of State Lands (DSL) about the project. Comments were received from DSL citing two studies that had identified wetlands on site and that said DSL concurrence should be requested prior to site disturbance. Because of this information, the applicants were conditioned in the preliminary PUD approval, to provide a Phase 1 Site Investigation Report:

~~*"Condition 12: The applicant shall provide staff with a Phase 1 Site Investigation which will explain the treatment of the Yaquina Soils, prior to grading. The applicant shall provide DSL the wetlands delineation and obtain concurrence prior to site disturbance."*~~

"Condition 12. The applicant shall apply for a Phase 1 Site Investigation which will explain the treatment

of the Yaquina Soils, prior to the Final PUD approval. A Phase 2 Conditional Use Permit may be required prior to Final PUD if warranted from the Phase 1 Site Investigation outcomes."

The applicant has provided the required Phase 1 Site Investigation Report, signed by Aaron Murphy, PE of 3J Consulting and dated April 13, 2021 denoting the proposal complies with City Code the Comprehensive Plan and that the proposal will achieve the purpose and the site and building design will not have adverse impacts and will mitigate any adverse impacts (Exhibit H). The SIR was submitted with an associated Geotech Study for Site Investigation performed by Branch Engineering, signed by Ronald Derrick, PE, GE and dated January 28, 2020 (Exhibit L1). Included in the submittal is a Wetland Delineation Concurrence from Dept. of State Lands, Peter Ryan, SPWS, dated May 13, 2021, WD# 2020-0493 who agreed there were no wetlands within the study area and that the ditches are not state jurisdictional (Exhibit J). Exhibit K, K1, K2, K3 includes the Army Corps of Engineers finding signed by William Abadie, dated July 12, 2021, NWP-2021-312 that there are no waters of the U.S. within the review area. These submittals constitute the exhibits ~~which is~~ under the Land Use File AR 21 21 SIR 14, thereby partially meeting the requirement of Condition 12 of PC 20 07 PUD 01. Additionally, the applicant provided a completed groundwater mounding study, dated July 8, 2021 performed by Branch Engineering and signed by Ronald Derrick, PE, GE for the property and a revised stormwater drainage plan, dated September 16, 2021, performed by 3J Consulting, and signed by Kathleen Freeman, PE. These are discussed later in the report. On December 10, 2021 the applicant provided a revised stormwater management report (Exhibit gg), same signer, and a Geotech response letter (Exhibit ff), same signer. The stormwater report is discussed elsewhere.

The applicant's submittals found that while Yaquina soil is on the property, no evidence of wetlands or areas of high groundwater were. They did find the area along the north and north eastern property line to be somewhat more wet which they attributed to the developed adjoining residential lots. Mr. Derrick in the Dec. 10th Geotech letter recommends that the Yaquina Soils be excavated to remove the near surface organics but reaffirms that the presence of the Yaquina soils pose no threat and no significant changes in the engineering recommendations are warranted for public or private site improvements to provide additional loss-minimization measures.

An incongruency in the above is that both the DSL and Army Corps responses refer to the study area for their determinations. The applicant's submittals to the agencies include a single overall image that includes Tax lots 3900, 4000, 4100, and 4200 and the narrative and individual tax lot images that do not include these tax lots. It appears from the 2015 wetland records that the only tax lot in question is 3900. The submittals indicate a collection point on this tax lot but refer to it as tax lot 3800. Condition 12 as previously proposed in earlier findings is partially met. To close the loop on the mismatch of site boundaries within the wetland delineation materials, the applicant shall request written confirmation from both DSL and Army Corps that their determinations include all seven of the tax lots within the project area and provide it to the City prior to site disturbance or with final plat application. [**Condition 2**]

Prior preliminary approval, Condition 30, states the following:

"Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of a qualified hydrogeologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade."

As mentioned in Section III of these findings, the sequence of events of how the Phase 1 SIR was handled was not in accordance with Condition 30. Branch's ~~The~~ Geotech study was dated January 2020 and the SIR was provided in April 2021. The Geotech hydrology report and Stormwater Management Plan revision were dated July and September respectively. While Condition 12 of the preliminary PUD approval was partially met, Condition 30 was looking for coordination between the SIR and Geotech hydrology submittals. The Planning Commission shall determine whether intended result of Condition 30 is met.

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:

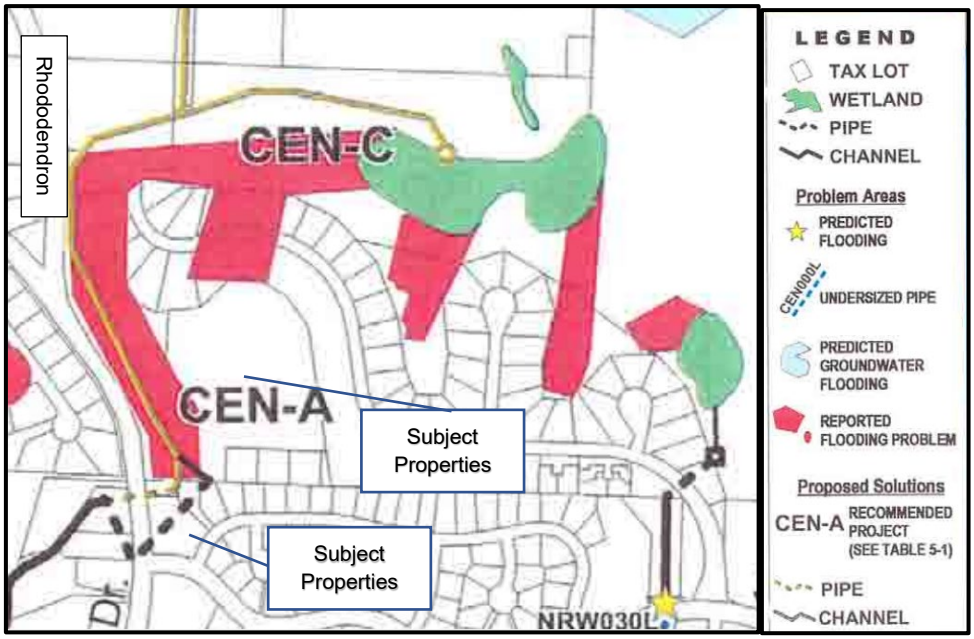
1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem 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.

Below is an excerpt from the City's October 2000 *Stormwater Management Plan* detailing areas prone to flooding (A review of the document excerpt, Figure 5-3, can be accessed at the following link): https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/636/stormwaterplanf1.pdf

The western area within the subject properties contains a significant flood-prone area (shown below in red):



At the time of the 2000 Stormwater Management Plan, two recommendations were proposed regarding this Cen-A site. One in particular detailed the construction of a permanent channel to the west of the Sandpines Golf Course. Lining the channel would limit the infiltration of stormwater into the ground. This channel was proposed to run along Rhododendron Drive and terminate at the corner of 35th and Rhododendron. The flows were proposed to be directed by pipe under the roadway and empty out into Bud's Ravine, which would be reinforced to stabilize the slopes and prevent erosion. After this project was completed, the next step proposed was to create a concrete-lined channel extending along the east side of Mariner's Village to the NE corner of that development. Also proposed was to use the property at the corner of 35th St. and Rhododendron Dr. as a detention facility –to enhance water quality or moderate peak flows downstream within Bud's Ravine. Presumably, this is in reference to the property under this current PUD review. Other flood relief measures were identified within the planning process that included wetland construction north of Sandpines and detention systems within the area of Fairway Estates. Since the 2000 study the Army Corps has stated no additional flows can be routed through Bud's Ravine.

The applicant's materials state they did not find flooding or wetlands on the property. They did find Yaquina soils on the site and evidence of moister soils in that area. This project site is the lowest point in the Central Basin and adjacent to Sea Watch Estates which has experienced bank failure in the past due to a combination of factors that included water table issues. As a response to proposed Condition 2 of the Nov. 23, 2021 final PUD resolution, the applicants submitted Exhibit ff, (December 10, 2021) which discusses the presence of Yaquina soils. It also discusses how development surrounding the project site has cut off the natural drainage that occurred on the site. Since the 2000 study, more of the properties along Royal St. George developed as well as Mariners Village and now Fairway Estates. Since 2000 Mariners Village has reserved 4 residential lots for stormwater retention and Fairway Estates has developed a piped and infiltration stormwater detention system. Proposed Condition 2 has been revised.

3J Consulting's memo dated April 16, 2021 provides comments in response to the SIR questions 9.a. and 9.b.6. They state that the project will not have any adverse impacts because it complies with city requirements as conditioned. With regard to 9.b.6 they state that the City's hydrologist will review the stormwater plans to address aquifer impacts. The SIR ~~is~~ was to be completed and answered by the applicant's engineers. The SIR questions do not always have associated code criteria, rather; the answer will guide project design. Peer reviews of studies and plans submitted review compliance with code, use of required and professional standards and general accuracy as in most cases an engineer review is required and the city does not have any on staff. It is the applicant's responsibility to answer the SIR questions and attest to the site's conditions and impacts. There are risks associated to development on this site with the presence of Yaquina soils, former wetlands, a history of reported flooding and on-site drainage conveyance for the Central Basin. The applicant performed analysis to identify groundwater levels and impacts associated with developing as proposed in the PUD application materials. The City had its contract engineer GSI review the applicant's materials on groundwater related to this project and its impacts on the water table and off-site risks. This review was done without the trigger of an appeal as set out further in the findings.

The City is relying on the expert opinions of 3J and Branch reports submitted by the applicant and the peer review conducted by GSI. The analysis is not being done by the City; the City is relying on the analysis conducted by these three separate professional firms. The City is not making an independent decision as to the SIR accuracy, mitigation effectiveness or risk abatement. These findings implement the professional opinions of these engineers.

B. Specific Standards for Phase II Site Investigation Reports will be determined on the basis of the information provided in the Phase I Site Investigation Report. At a minimum, specific standards shall address the following (may include more than one category listed below):

1. The SIR Phase II - Geologic Report shall follow the "Guidelines for Preparing Engineering Geologic Reports in Oregon" as adopted by the Oregon State Board of Geologist Examiners or shall meet the requirements for Site Investigation Reports as required

by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The SIR Phase II – Geologic Report shall address the following:

a. **An explanation of the site and scope of the study area (e.g. subdivision, by lot specific, or for public improvements)**

b. **An explanation of the degree the condition affects the property use in question;**

c. **An explanation of the measures to be employed to minimize detrimental impacts associated with the condition;**

d. **An explanation of the condition-associated consequences the development and the loss-minimizing measures will have on the surrounding properties.**

In accordance with Condition 12 of Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 below,

"Condition 12. The applicant shall apply for a Phase 1 Site Investigation which will explain the treatment of the Yaquina Soils, prior to the Final PUD approval. A Phase 2 Conditional Use Permit may be required prior to Final PUD if warranted from the Phase 1 Site Investigation outcomes."

The applicant submitted Phase 1 SIR materials which are discussed earlier. ~~include the following:~~

~~April 13, 2021 Phase 1 Site Investigation Report (Exhibit H); December 20, 2019 Wetland Delineation by Pacific Habitat Services, Inc (Exhibit I); a May 13, 2021 Department of State Lands Approval of Wetland Delineation, (Exhibit J); July 12, 2021 U.S. Army Corps of Engineer determination letter stating that there were no waters of the U.S. within the review area (Exhibits K through K3); and Branch Engineering: Geotechnical Engineering, Recommendation and Site Evaluation, January 28, 2020 (Exhibit L1).~~

~~Related to the above listed documents for the Phase 1 SIR, the following submittals provide additional information in support of but not expressly for a Phase 2 SIR. These include a July 6, 2021 Branch Engineering Geotech Report (Exhibit L) and a July 21, 2021 GSI Water Solutions Peer Review of Branch Engineering's July 6, 2021 Geotech Report (Exhibit M), and a September 16, 2021 Stormwater Management Report, 3J Consulting (Exhibit N). The memo is needed addressing the Phase 2 submittal items listed in 1a-d above and referencing the analysis performed.~~ **~~[Condition 2]~~** As a response to a proposed Condition 2 from the 11/23/21 resolution, which required submittal of a Phase 2 memo tying the various studies and investigation and plans together, the applicants submitted Exhibit ff, (12/10/2021) which discusses the presence of Yaquina soils and loss of the historic drainage channels. The applicant's engineer basically attests that the hazards previously identified (wetlands and reported flooding) no longer exist on the site. Branch also provides an abatement measure for the Yaquina soils by recommending excavation to remove it. The Branch site inspection performed in December 2019 found no water inundation to within 9 ft. of the surface. This information would be used to inform the stormwater management plan and the mounding study performed by Branch and peer reviewed by GSI. The applicant submitted a revised stormwater management report.

The updated Stormwater Management Report dated 12-10-2021 (Exhibit gg) has been reviewed by GSI. Below are GSI's comments (Exhibit mm):

"It appears that the updated stormwater management plan reduces the amount of impervious area:
• Previously, there was a total of 231,733 square feet of impervious area in the development (see Table 2 of the GSI memo—the sum of the impervious area in the "Impervious Area Drained" column).
• Currently, there appears to be a total of 182, 031 square feet of impervious area in the development [see Page 27 of the PDF, title = "Post-Construction Conditions"; sum the impervious areas beneath the table (153,331 SF + 14,759 SF + 13,941 SF = 182,031 SF)].

• It is also worth noting that the area drained by the "Biofiltration Pond" (the only infiltration facility that caused a groundwater level rise at the springs) has decreased from 118,879 SF to 76,522 SF mounding (I am summing 73,922 SF and 26,000 SF in the table from the above-referenced "Post-Construction Conditions" figure).

In summary, because impervious area has decreased, the mounding will decrease—so the updated stormwater management plan does not change my comments.
That said, I recommend asking 3J to verify that my statements about impervious area reduction are correct."

Within the same exhibit, Kathleen Freeman, PE, CFM for 3J Consulting provided a reply to GSI's inquiry:

"Per comments received on the Stormwater Management Report dated September 16, 2021, there was a discrepancy in impervious area when tabulating the future impervious area (including impervious area from just the PUD). The future impervious area for the entire property were retabulated and it was discovered that all area draining to the future drywells (13,941 sf) and offsite improvements (14,759 sf) were included in the Biofiltration Pond, which accounts for the largest portions of the decrease. Additional minor errors were found that included 5,026 sf draining to the Biofiltration Pond and 2,869 sf to Infiltration Basin #2.
We have verified that the correct impervious areas including all future buildout have been accounted for the Stormwater Management Report, dated December 10, 2021."

To ensure proposed Condition 10 of the original final PUD resolution was met, a memo by Kerry Sessions, PE, dated Jan. 6, 2022, of Civil West reveals that the 12-10-2021 Civil Permit set, relating to the Stormwater Management Report, does not address the comments outlined in Condition 10. Exhibit jj:

"Matt is out this morning so I haven't discussed it with him yet, but I wanted to let you know that I downloaded and reviewed the plans dated 12/10/2021 and the engineer did not address any of the comments I raised."

Condition 10, is still relenant, as proposed.

Staff received the required Phase 1 Site Investigation Report on April 16, 2021, prior to applying for a Final PUD. Since the submittal, the applicant supplied materials, some of which post-date the April date, that support their soil mitigation and stormwater retention designs. The timing of these submittals and how they inform one another is to be determined. The applicant shall provide a memo from GSI that confirms the findings in the Phase 1 SIR submitted by the applicant. **[Condition 2.a]**

2. Soils: The Site Investigation Report shall address the following development constraints for the soil types.

[…]

a. Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.
[…]

The applicant has provided a stormwater management plan that includes two infiltration chambers, and one pond in the southern and western areas of the project site. The existing drainage channel traversing the site along the south is proposed to be piped and undergrounded. No swales or other stormwater retention/detention features are proposed in the location of the Yaquina soils in the northeast part of the site. This stormwater plan was provided after the Phase 1 SIR and the Geotech for hydrology and GSI peer review were completed.

Branch calculated the groundwater mounding at the site in their memo dated July 6, 2021. GSI reviewed the study and made a list of analysis points and whether they were acceptable parameters. City staff noticed that the trenches and infiltration were not included in Branch's study. For this reason and deficiencies in the Branch analysis, GSI performed corrections on the calculations.

Using representative and conservative aquifer parameters, GSI calculated total groundwater mounding at the springs from stormwater infiltrated during a 25 year storm with a precipitation rate of 0.422 feet per day (5.06 inches per day). A storm of this size resulted in 0.039 feet (0.47 inches) of mounding at the springs due to infiltration. This additional increase in the groundwater level represents a less than 0.5% increase in the head (i.e., potential energy of groundwater) in the aquifer at the springs. A head increase of less than 0.5% is considered to be negligible according to GSI.

The City is relying on the expert opinions of the 3J and Branch reports submitted by the applicant and the peer review conducted by GSI. The SIR Phase 1 or Phase 2 analyses are not being done by the City; the City is relying on the analyses conducted by these three separate professional firms. The City is not making an independent decision as to the SIR accuracy, mitigation effectiveness or risk abatement. These findings implement the professional opinions of these engineers. This same statement has been labeled Informational 1 elsewhere in this report. A Covenant of Release, which was conditioned in the preliminary approval as 8a, shall include language placing any possible failure of the proposed stormwater system on the registered engineers who authored the final stormwater management report. [**Condition 2.b**]

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.

The Phase 1 SIR was noticed in accordance with the code to be processed as a Type 3. The Planning Director has the prerogative to send Type 2 applications to the Planning Commission for decision, which then require Type 3 noticing. The Phase 1 SIR and Final PUD are being run concurrently. Yaquina soils were found on the property but none of the hazards (wetlands and flooding) were found. Because hazardous conditions were not found a conditional use permit would not be required. However, because the wet soils were found a Phase 2 SIR would be required. The applicant has provided two Geotech reports, a revised stormwater management plan and SIR that form much of the content of a Phase 2. 3J's stormwater plan and Branch Engineering's hydrology geotech report have been peer reviewed by GSI at the request of the City and paid for by the applicant.

The City is relying on the expert opinions of the 3J and Branch reports submitted by the applicant and the peer review conducted by GSI. The SIR Phase 1 or Phase 2 analyses are not being done by the City; the City is relying on the analyses conducted by these three separate professional firms. The City is not making an independent decision as to the SIR accuracy, mitigation effectiveness or risk abatement. These findings implement the professional opinions of these engineers. This same statement has been labeled Informational 1 elsewhere in this report. A Covenant of Release, which was conditioned in the preliminary approval as 8a, shall include language placing any possible failure of the proposed stormwater system on the engineers.

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)**

Due to the presence of Yaquina Soil and problems areas identified in studies adopted by the City of Florence Comprehensive Plan as discussed and shown above, a Phase I Site Investigation Review has been provided prior to the Final PUD application. Branch Engineering has included requirements and recommendations related to grading, fill, compaction, foundation design, landscape slopes, soil removal, etc. A covenant has already been conditioned in the Preliminary PUD. The applicant's registered professional assuming responsibility for the site preparation shall perform all activities listed in 10-7-7-B-1 through 3 and ensure the requirements and recommendations included in the Branch Engineering Geotech Report, January 28, 2020 and December 10, 2021 are followed. Inspections and engineer presence called for in the report shall be evidenced to the City in the form of inspection/findings reports related to the topic(s) of engineer/inspector presence. These reports shall be provided within ~~one week~~ 10 (ten) days of inspection/presence task completion. [**Condition 3**]

Condition 8a of Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 states:

"8a. 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 additional building permit applications or prior to final Subdivision Plat."

This condition will be required to be met prior to submission of the final plat and is not a condition of approval for this final PUD application. The applicant is encouraged to contact staff for an example of a Covenant of Release that has been submitted for the Cannery Station PUD.

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

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

The combined development is 9.28 acres. This criterion has been 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 proposed PUD is designed to have a perimeter yard of at least 10 feet on all sides abutting adjacent residential property and five feet on all sides adjacent to the right-of-way of existing roads. The Planning Commission agreed to a 10' perimeter side yard abutting the adjacent residential properties. None of the perimeter yard is identified as open space on Sheet L-1 (Exhibit G). Exhibit bb replaced Exhibit G.

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)

Parking requirements have been reviewed with respect to this criterion under FCC 10-3 of these findings, and aside from parking being shown in front of fire hydrants on the newest Sheet C5 which was conditioned under 20a of the preliminary approval, which continues to be applicable, the criterion is met.

D. Open Space: A minimum of 20% of the net development area shall be open space and must be platted for that purpose. (Easements are not acceptable). At least 25% of the 20% shall include an area designated and intended for recreation use and enjoyment. The required recreation area may be provided as:

- **Public dedication for use by public in general, and/or**
- **Property owned by the Home Owners Association (or other legal entity) for use by residents of the development.**

The recreational area may be 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 and 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 recreation 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)

On September 9, 2020, the Planning Commission voted unanimously to add Condition 35 which states:

"Applicant shall provide a revised open space/recreation space plan addressing 10-23-5-E 4.e. and ensure they are useable for open spaces." In response, the applicant supplied Sheet L-1 (Exhibit G) with their final PUD application materials which provides graphics depicting both open and recreational area spaces and final calculations for each. Sheet L-2 of the same exhibit provides a material's plan that demonstrates arrangement of tables and benches (passive recreation) and also light pole placement along Windsong Loop, (the sole automotive access in and out of the project). The applicant submitted a ~~final~~ packet of Sheets L1 through L5.

Some of the materials submitted for this final PUD application including the most recent December submissions vary in their labeling not only from those approved through the preliminary PUD process, but also for the final PUD process. Many sheets conditionally approved through the preliminary PUD process were not re-submitted for the final, Sheets A – 1 through A-19 which are Exhibit D of that approval. These contained vital information, and it is unknown if some of what has since been submitted for the final PUD constitutes new material, or are the materials submitted since the preliminary PUD building on the original approval. This has not been clarified and is a theme of these findings. Furthermore, the way the labeling on some materials have been difficult to compare against prior submissions for the preliminary PUD. The differences between Sheets labeled L vary significantly between the preliminary PUD set and the final PUD plans. Because the preliminary materials for the open space/landscape plan/recreation plan/design elements have already been conditionally approved, the lack of information from those early materials on the newer materials suggest that some of the elements are no longer going to be offered. The final plans should include everything to date that has been approved in order to view the project comprehensively. The reason for this is to ensure that the PUD conditions have been followed and will continue to keep the approved features far into the future: if something becomes deteriorated through time, for instance, such as a fence, the PUD approval process spells out what materials are required to replace it. The City often refers back to originally approved plans in situations where a new owner proposes a change in parking or landscaping design or lot-line changes. Here is an example of how different labeling of the sheets from one submission to the others are for this proposed development:

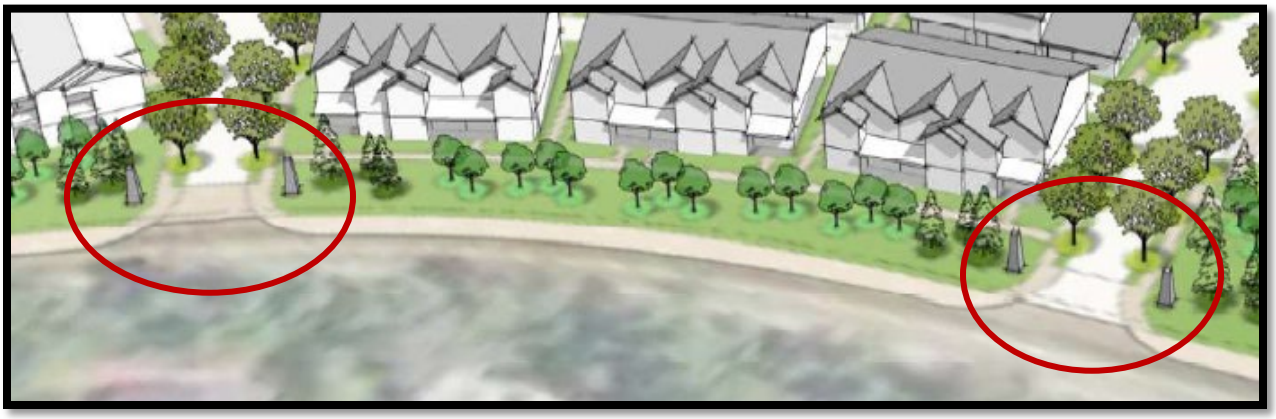
Preliminary PUD materials, (Exhibit E of that packet),
Sheet L-1, labeled "TREE PLAN" , shows trees to be removed and preserved
Sheet L-2, labeled "LANDSCAPE PLAN" provides a colorfully labeled image that calls out where things are to be placed, such as the central green, pocket gardens, dog park garden courts and site elements such as fencing;
Sheet L-3, labeled the "PLANTNG PLAN", illustrating plantings within tracts and yards,
and
Sheet L-4, labeled "LANDSCAPE ELEMENT INSPIRATION" which displays imagery such as fencing, light poles and monument entry pillars as examples in design.

Original Final PUD materials dated 9/03/2021:
Sheet L-1, labeled "OPEN SPACE PLAN", in black and white which provides a ''Open Space Schedule' table showing differences between open space and recreation space areas and their percentages;
Sheet L-2, labeled "MATERIALS PLAN" which simply explains where 2 picnic tables (and what materials they would be made with) and where light poles would be located;

Sheet L-3, Labeled "PLANTING PLAN" which contains graphics that challenged the reader to review because the different planting material symbols were nearly impossible to detect due to their small sizing; and materials are not shown to be planted in yards. While it is not necessary to provide every planting detail for the yards at this time, the final PUD materials should show that something is going to be planted there and a note made that landscaping will be reviewed during the construction phase for the single family deatched yards,and the open space tracts.
and
Sheets L-4 through L7 which contain irrigation information.

December 13, 2021 materials:
Sheet L-1, labeled "OPEN SPACE PLAN", in color, which provides an 'Open Space Schedule' table showing differences between open space and recreation space areas and their percentages, a "Phasing & Open Space' table and a list of "Amenities and Recreational Activity Options. This would have been a good page to spell out the construction timeframes (with dates) since those shown in the preliminary PUD Sheet A series has expired.
Sheet L-2, labeled "MATERIALS PLAN" identical or nearly identical to that dated 9/03/2021;
Sheet L-3, Labeled "PLANTING PLAN", identical or nearly identical to that dated 9/03/2021

Exhibit D of the preliminary plans show a view from the west on Sheet A-19 (labeled "MASSING CONCEPT") which depicts concrete pillars similar to those found on the historic Florence Bridge, circled in red:



These design elements are another an example of what is missing from the materials submitted for this final PUD request and clarity for whether or not these are included in the plan is needed. Condition 1 of Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 states, *"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."*

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.**

The applicant narrative, in discussing Sheet L-1 of the Open Space Plan (Exhibit G), indicates that the on-site open space area contains 82,529 square feet, or 20.4 percent of the site. What the applicant identifies as "active recreation space/unstructured active recreation space, contains a total area of 27,781 square feet, or 33.6% of the total open space area. No natural features will be preserved.

The designated recreational space is broken up into three main zones; The central green, dog park and pocket gardens. Other than two picnic tables with benches, Exhibit G does not detail the proposed recreational amenities. Amenities were shown on the landscape plan conditionally approved for the preliminary PUD as shown below:

The Findings from the preliminary approval state the following information leading up to a condition placed on the requirement for a revised open space and recreational use plan:

"The unspecified areas on either side of the Central Green's covered area shall have a recreational use associated. Neither the narrative nor the illustrations identify what Park Master Plan amenity will be featured in this portion of the recreational space. They appear to be simply a gateway area to the green which is in itself not recreation space. There are a number of recreational options listed in the park plan that would fit in this area, such as horseshoe pits, bocce area, pickle ball court, badminton, etc." It was from this observation that Condition 13.a. was conceived.

"Condition 13.a. Since greater than 25% of the open space area is to be designated for recreational use (because of the exceptions requests), upon submittal of the Final PUD application, the applicant shall demonstrate that active recreational uses throughout the recreational open spaces will be provided."

In response, the applicant provided Sheet L-2 (Exhibit G) which shows their placement of benches and picnic tables.

The applicant was afforded 8 modifications through the PUD process that are outlined in Section II of these Findings. The 2020 findings also include the following language:

"Given the number of modification requests, it is clear that by providing only one source of active recreational space within the PUD, additional active recreational activities must be provided to ensure this

code is met. Sidewalks are required and are not counted as open space nor as a provision for active recreational opportunities."

The applicant supplied a revised open space and recreational use plan (Sheets L-1 & 2, Exhibit G). However, no mention is made of added active recreational opportunities for the development. Open lawn areas without planned facilities do not indicate that the spirit of the code nor the Florence Parks Master Plan have been met. Landscaping is also a requirement, even if it is enjoyable when implemented properly. There are no planting details for the earlier proposed natural grove, for example. Opportunities exist for interesting recreational opportunities such as markings created with a variety of patterns within the internal walkways that could lend themselves to games (such as hopscotch or four square), educational ideas such as imprints of native animal and bird tracks, labeling interesting plants and the insects they attract, and public art displays. Also possible are additions of stations along a pathway such as a stretching wall or bar and the installation of a sit-up station.

Sheet A-3 of Exhibit D provides a table outlining recreational and open space. Given that the areas provided in the earlier master plan were not specifically dimensioned, staff was unable to verify that the proposal would meet the requirements. Due to the earlier request for modifications, the applicant is, through Condition 13b, of Exhibit C, to demonstrate that the open space and recreational areas exceed the minimum amounts by providing a dimensioned open space/recreational space plan prior to Final PUD approval. Upon a broad examination, it would appear that these were met or exceeded; however, it is imperative that the percentage of recreational areas are supported by the number of active recreational areas provided, as discussed under this subsection.

The preliminary Landscape Plan shown above included one central open-air pavilion approximately 12 feet by 20 feet to be located at the northern end of the central green. Additionally, each garden court included an open-air structure approximately 20 feet by 20 feet to support picnicking. Only one covered structure is shown on Sheet L-1 of Exhibit G. Other amenities have also been excluded from the revised landscape plan supplied with the final PUD application that illustrates open space. It is unclear if this plan was intended to build on or replace the previous.

The following, which has been struck through, was a condition proposed from the Nov. 23rd and Dec. 14th, 2021 resolution whereupon staff had reviewed Sheets L1 through L7:

~~*"The applicant shall provide a comprehensive open space and recreation space master plan that consolidates the information provided in the preliminary and final PUD phases, demonstrating incorporation of Master Park Plan amenities as exampled in the criteria. This master plan shall include a phasing construction schedule and consist of general details of the areas. The proposal implementation shall be roughly equally proportionate with dwelling construction. Detailed plans illustrating specific landscaping plantings and product materials would be reviewed with their respective residential housing land use review. The general Master Plan shall be submitted for review and approval as a design review application by the Planning Commission that will be reviewed concurrently with Final Plat application. [**Condition 4**]"*~~

The applicants submitted the most recent of the revised Sheets L1 through L7 (Exhibit bb) on December 13, 2021. Staff has reviewed these. The applicant demonstrated that many of the requirements of the earlier Condition 4 for the final PUD have been provided. For example, applicants differentiate between open space and recreational space; they list recreation options, and provide more detail in their landscaping plan. However, Sheet L2 of the preliminary approval provided more information by specifically identifying where amenities would be located as shown in the following image:

With the Dec. 13, 2021 plan, amenities were simply listed and it is unknown what areas these are to be located – This was more clear in the preliminary PUD materials. Furthermore, in the preliminary approval materials - specifically Exhibit D, Sheets A3 through A5 of Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01- the applicants submitted a construction schedule. Below is an image of a schedule as shown on Sheet A4 of the approval. Some of these dates have since expired. FCC 10-23-14 requires the provision of a construction phasing schedule. The applicant shall provide Planning staff an updated development schedule. Additionally, since this is a PUD, a plan is required in conjunction with site disturbance or submission of the final plat application showing which active recreation activities will occur, such as shown in the approved preliminary PUD, with a list of commercial grade amenities. [**Condition 4.a**]

ESTIMATED SCHEDULE	Phase 1A
Estimated Start Date (Site):	October 1st, 2020
Length of Construction (Site):	7 Months
Estimated Start Date (Buildings):	February 1st, 2021
Length of Construction (Buildings):	12 Months
Estimated Completion:	February 1st, 2022

	Phase 1B
Estimated Start Date (Buildings):	February 1st, 2022
Length of Construction:	9 Months
Estimated Completion:	December 1st, 2022

Below is an image taken from Sheet L-1, (Exhibit bb) dated Dec. 13, 2021:

PHASING & OPEN SPACE						
		AREA PER PHASE	TOTAL OPEN SPACE (SF)	ACTIVE RECREATIONAL SPACE (SF)	PERCENTAGE TOTAL OPEN SPACE	UNIT COUNT
PHASE I		153,830 SF	31,317 SF	1,630 SF	20%	40 MF UNITS
PHASE II		111,658 SF	26,398SF	19,571 SF	24%	49 SF ATTACHED UNITS
PHASE III		139,535 SF	24,117 SF	6579 SF	17%	31 SF ATTACHED UNITS

Adding a construction schedule next to each phase in the table would be acceptable.

In examining the above table, the square footage of recreational space provided for the first construction phase (the multi-family phase), totals only 1,630 sq ft for the 40 units. In contrast, the attached 49 single-family attached units are provided with 19,541 sq ft of active recreational space, a number which is nearly 12 times the amount provided for the multi-family units. Given that the preliminary approval for this PUD has enjoyed several exceptions to design standards, this development is expected to provide its share in the spirit of FCC 10-23-1-F: ***"…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 of buildings and the location of open spaces, circulation, facilities, off-street parking areas and other facilities."*** Multi-family development was only allowed in the underlying Mobile Home/Manufactured Home Residential (RMH) because the proposal was a PUD process. Asking for 100 sq ft per multi-family unit of recreation space is reasonable. For the 40 units, 4,000sq. ft. would be acceptable. At the very least, adding the dog park to the Phase 1 construction schedule would help rectify the disproportion of recreation space between the multi-family and single-family attached development as there is no guarantee or assurance that Phases 2 and 3 will be constructed in a timely manner.

ESTIMATED SCHEDULE	Phase 1A
Estimated Start Date (Site):	October 1st, 2020
Length of Construction (Site):	7 Months
Estimated Start Date (Buildings):	February 1st, 2021
Length of Construction (Buildings):	12 Months
Estimated Completion:	February 1st, 2022

	Phase 1B
Estimated Start Date (Buildings):	February 1st, 2022
Length of Construction:	9 Months
Estimated Completion:	December 1st, 2022

Public Works has not yet submitted comments on the stormwater plantings. Detailed plant and planting plans specific to each phase of building construction shall be reviewed and approved through a design review application process.. [**Condition 6.a**]

An updated phased Construction Phasing Plan shall be submitted which provides a schedule showing estimated start and finish dates for each of the three phases as shown in Sheet L-1 in Exhibit bb prior to site disturbance or submission of final plat application. ~~and phasing plan shall be provided within 30 days of Final PUD approval.~~ Per FCC 10-23-14 B, if substantial construction or development of the PUD has not occurred in accordance with the approved final development schedule, said approval shall lapse at two (2)

years from the date of approval and shall no longer be in effect. The Planning Commission may, upon showing of good cause by applicant, extend approval for a period not to exceed two (2) years. [**Condition 13**]

A plan is required in conjunction with site disturbance or submission of the final plat application demonstrating where and which active recreation activities will occur, such as shown in the approved preliminary PUD, with a list of commercial grade amenities. The plan shall also provide Phase 1 of the construction schedule a minimum of 4,000 sq. ft. of recreation space. [**Condition 13.a**]

In order to provide sanitary services to the dog park, the dog park, upon completion, shall employ a pet waste station. [**Condition 5**]

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.

With the preliminary PUD, information was provided that the project would be completed within a two-year timeframe as required by a planned unit development and that the construction phase of the project would be divided into two phases, Phase 1a and Phase 1b. Conversations between the applicant and staff reveal that this timeframe could change. Phasing and timelines have been conditioned earlier.

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.

In the preliminary PUD approval materials, the applicant acknowledged that the City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed.

4. The following areas are not acceptable for recreation area required as part of a PUD: (Ord. No. 2, Series 2011)

[…]

e. Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events;

On September 9, 2020, the Planning Commission voted unanimously to add Condition 35 which states:

"Condition 35. Applicant shall provide a revised open space/recreation space plan addressing 10-23-5-E 4.e. and ensure they are useable for open spaces." The discussion to add this condition was due to proposed stormwater soakage trenches. The applicant indicated they proposed the stormwater system as underground soakage trenches which would not affect the above-ground areas using the rationale that with this system, the area should count as open space. Planning Commission wanted to ensure that these areas were not counted as open space in the event the stormwater management plan was modified to require retention or detention ponds in this location. If the stormwater plan is approved as proposed then the condition will have been met with regard to stormwater conflicts.

E. 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-5. For all

proposed modifications, the applicant shall submit application and show how the proposed modification achieved the following:

As discussed in Section II of these findings, the applicant proposed the following modifications with the preliminary PUD and tentative plan to the underlying standards of this code through the planned unit development process. Here is a review of the modifications with the changes in net density as conditioned:

Lot Width and Depth (Sec. 10-10-4.A)

Development Type	Required Width	Proposed Width	Required Depth	Conditionally Approved Depth
Single-family detached	50 ft.	36 ft.	80 ft.	62 ft.
Single-family attached	25 ft.	24 ft.	80 ft.	60 ft.

Minimum Lot Area (Section 10-10-4.B)

Development Type	Required Min. Lot Area	Conditionally Approved Min. Lot Area
Single-family detached	5,000 sq. ft.	2,232 sq. ft.
Single-family attached	3,000 sq. ft	1,464 sq. ft.

Setbacks (Section 10-10-4.D)

	Required Setback	Conditionally Approved Setback
Front:	10 feet	5 feet
Side: - Street - Detached Single-family - Attached Single-family	5 feet 5 feet 0 and 5 feet	5 feet 3 feet 0 feet and 3 feet
Rear: - Primary - Garage (alley-loaded)	5 feet 20 feet	3 feet 3 feet

Density (Section 10-10-4-E)

	Required Maximum Density	Updated Maximum Density
Maximum average net density (units/acre) @ 7.04 acres	12 units/net acre	17 units/acre

Parking Stall Size (per Sec. 10-3-8.2 of this Title). The applicant originally requested reduced driveway parking space dimensions: the required parking/driveway dimensions are 9 feet, 6 inches wide by 19 feet long and the proposed driveway parking dimensions are 8 feet wide by 18 feet long.

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

Through Condition 8 of the prior preliminary PUD approval, the applicant shall be providing Design Review applications:

"Condition 8. The applicant shall provide architectural details concurrently with the building permits for the single-family detached housing. An associated review fee shall be will be required unless determined otherwise by the Planning Director."

3. More recreation space than the minimum required

The minimum recreation space required equals twenty-five percent (25%). The applicant now proposes 33.2 % of recreational space for the overall development. Although this criterion has been met for sq. ft %, it has been conditioned elsewhere to provide more active recreational amenities. A discussion about the difference between the percentage of recreation space in the Phase 1 construction plan and Phase 2 construction plan were discussed earlier in this Chapter. What is missing from the equation shown on Sheet L-1 of Exhibit bb is a breakdown of percentages of recreational area provisions for each construction phase. This is necessary because in the event phases 2 and 3 are delayed indefinitely, there needs to be an assurance that the multi-family residents will be adequately served. The requirement for an updated plan has been conditioned as 13.a.

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

This has been addressed under FCC 10-23-5- E-1 of these findings.

5 Natural resource protection, where identified as part of a preliminary site investigation report

This criterion has been addressed. The applicant was conditioned to submit a Phase One Site Investigation Report before grading due to the presence of Yaquina soils on the east end of the site and has done so.

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 applicant submitted their final PUD on an approved final form prior to the expiration date of the preliminary approval. This criterion is met.

2. Final development plans shall include plans for proposed:

a. Storm drainage.

b. Sewer and water utilities.

c. Streets, pedestrian ways, trails and paths.

d. Preliminary subdivision plan, if property is proposed to be divided.

The tentative subdivision plan was conditionally approved with the preliminary PUD. The applicant has also submitted updated tentative subdivision materials for reference (not re- approval) for the final PUD application. Additionally, plan drafts have been submitted for storm drainage; sewer and water utilities; and streets (all of these are located within the "W" series of Exhibits and as revised on 12/10/2021 of Exhibit kk), pedestrian ways, trails and paths. These updated materials supplement much of the earlier materials. The criteria are met.

3. Plans for public improvements shall be prepared by a Registered Engineer and shall be approved by City staff before final approval by the Planning Commission.

~~Draft Civil Plans for public improvement have been submitted with the application materials for this final PUD but not yet reviewed by staff.~~ Exhibit kk contains revised Civil Plans that have been reviewed by Civil West and discussed elsewhere.

4. If the Planning Commission finds evidence of a material deviation from the preliminary development plan, the Planning Commission shall advise the applicant

to submit an application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application.

TITLE 10: CHAPTER 34 LANDSCAPING

10-34-3: LANDSCAPING

10-34-3-1: Applicability. Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

A. For new developments, all landscaping shall meet current code requirements. (Ord. 4, 2011) […]

New development is proposed. The applicant submitted a landscape plan that was conditionally approved during the preliminary PUD application and have provided a more detailed plan with this final PUD review (Exhibit G, Sheet L-3 and Sheets L-3 through L-7 of Exhibit bb, which replaces Exhibit G altogether).

10-34-3-2: Landscaping Plan Required. A landscape plan is required. All landscape plans shall include the following information:

A. The location and height of existing and proposed fences and walls, buffering or screening materials.

B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.

C. The location, size, and species of the new proposed plant materials (at time of planting).

D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.

E. Existing and proposed building and pavement outlines.

F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.

G. Other information as deemed appropriate by the City Planning Official.

The applicant overall provided sufficient details needed to satisfy the above landscaping requirements. The Planning Commission conditioned the applicant to provide specific landscaping detail as follows:

"Condition 36. Applicant shall submit a vegetation planting plan with native plantings along Rhododendron Dr. for a width of ten (10') feet on the applicant's property. Such plan shall be provided in conjunction with the Final PUD application."

This criterion was required to address the character retention of the Rhododendron Drive corridor which has dense native vegetation and the view of houses is limited. The condition supported the community character element of a PUD. The proposed landscape plan revision has placed plantings within the public right-of-way contrary to the condition of approval. The landscape materials selected in Exhibit G consist of two plantings, a species of birch tree and huckleberry shrubs. The huckleberries will reach a heigh of 2-4 feet in this area due to the high sun exposure. The trees species selected while a birch and some form of birches are native to Oregon. It is unknown whether the species is native to the Oregon Coast and more specifically the Siuslaw Watershed. ~~A revised landscape plan shall be submitted that placed the buffer within the applicant's property and includes native tree selection and another shrub selection, preferably rhododendrons. **[Condition 6]**~~ The applicants supplied the requisite landscaping plans (Exhibit bb, Sheet

L-3, demonstrating that the landscaping buffer lies within the applicant's property and includes native tree selection and an additional shrub selection.

10-34-3-4: Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

A. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used, consistent with the purpose of this Chapter. A suggested *Tree and Plant List for the City of Florence* and the *Sunset Western Garden Book* are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The use of indigenous plants is encouraged, and may be required where exposure, slope or soil conditions warrant.

1. Ground Cover. Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.

2. Shrubs. Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the *Tree and Plant List for the City of Florence*.

3. Trees. Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).

4. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.

.

D. Storm Water Facilities. Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water-tolerant, native plants.

Per Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01:

"Condition 26. A final Landscape Plan shall be submitted with the Final PUD application indicating the numbers of plants, which plants they are, and where exactly they are going to be placed."

The applicant provided a detailed Landscape Plan for the stormwater facilities and those plans are being reviewed with the public infrastructure plans.

10-34-3-5: Irrigation. Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

Irrigation plans within the most recent Landscape Plan have been submitted (Exhibit G, Sheets L-4 and 5) in accordance with Condition 27 of the preliminary approval:

"Condition 27. An Irrigation Plan shall be supplied with the Final PUD application."

Condition 27 has been met (Exhibit G, Sheets L-4, L-5 and L-7).

Exhibit bb, Sheets L-4, L-5 and L-7 contain the most recent update of the irrigation plans.

10-34-3-6: Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:

A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;
B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the *Tree and Plant List for the City of Florence* installed per island;
C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;
D. Irrigation is required for interior parking lot landscaping to ensure plant survival;
E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.

Most of the proposed parking within the multi-family development will be provided as tuck-under parking with the second-floor building overhang providing cover of the parking spaces. Landscaping is not proposed within these undercover areas. Landscape island criteria shall be reviewed with the ~~respective~~ multi-family design review application. [**Condition 7**]

Exhibit aa provides a response to the November 23, 2021 findings of fact published for this PUD. The applicant requested that the Condition 7, above, be modified by changing the word "respective" to "multi-family" for clarity. The proposed draft now contains this change.

10-34-3-7: Buffering and Screening. Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

A. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-7-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

The proposed tuck-under parking area will be visibly screened from the street by the proposed buildings. Where surface parking is provided, landscape screening from the street will be provided.

B. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

The parking areas adjacent to the multi-family buildings have been separated from the buildings with a curb and raised walkway a minimum of five feet in width. The tuck under parking within the multi-family developments are presumed to include building protection such as wheel stops or bollards. At this time, staff is unable to verify this as the provision of this requirement will be better demonstrated during the permitting processes.

10-34-4: STREET TREES: Street trees are trees located within the right-of-way.

A. Street Tree List. Trees shall be selected from the Tree and Plant List for the City of Florence based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Other tree species are allowed with City approval.

B. Caliper Size. The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one half (1 ½) inches with a high graft (lowest limb a minimum of 5 foot high from the ground) to ensure pedestrian access.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-14.

D. Soil Preparation, Planting and Care. Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soil-compost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

Per FCC 10-34-4 D, the developer shall be responsible for planting street trees along Rhododendron Dr, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees. [**Condition 7.b**]

80 trees are also shown in Sheets L1 thru 3 of Exhibit G on both sides of the private street loop (Windsong Loop). Both streets indicate average tree spacing of 25 feet on-center. The most recent plan (Exhibit bb) contains details related to this subsection. The draft CC&Rs contained in Exhibit U provides language for ongoing landscape maintenance within common areas.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2: VEHICULAR ACCESS AND CIRCULATION:

10-35-2-3: Access Approval Required: Access will generally be reviewed in conjunction with a land division or building permit. If a property owner wishes to access a public street (e.g., a new curb cut or driveway approach), or make improvements within the public right-of-way (e.g., install or replace sidewalk), the property owner must obtain a "Construction Permit in Right-of-Way". In either case, approval of an access shall follow the procedures and requirements of the applicable road authority.

The applicant has already been conditioned (Condition 13, Exhibit C) with the preliminary PUD and tentative plat approval to obtain a Construction Permit in Right-of-Way prior to their construction of their access to and improvements Rhododendron Drive.

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.

The applicant submitted traffic study materials that were extensively reviewed in the preliminary PUD and tentative subdivision plan application related public hearings, including the appeals before City Council. The Planning Commission voted at the September 8, 2020 public hearing to modify Condition 11 to read:

"The applicant shall enter into a development agreement with the City for the construction of a southbound left-hand turn lane at the intersection of 35th Street and Rhododendron Drive and its intersection reconstruction. Improvements would be funded in a combination of proportional SDC funding and/or credits with City participation and developer contribution."

A draft development agreement has been submitted. (Exhibit V)

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.

A pre-application conference was held with City staff on November 12, 2019. Furthermore, the review and scope of the traffic study and its revision has been peer reviewed and reviewed by the Planning Commission, who placed conditions on the applicant's requirements to participate with the City in the construction of Rhododendron Dr. in order to serve the future residents of the development.

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 has been conditioned in the preliminary approval stage to abide by approvals for these criteria.

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.

Direct access to all proposed units originates from the private Windsong Loop and not Rhododendron Drive. Windsong Loop functions as a local street.

10-35-2-9: Site Circulation: New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian and bicycle connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, trails or paths, must conform to the provisions in Section 10-35-3.

An updated parking and circulation plan has been submitted by the applicant as seen on Sheet C-5, (Exhibit F, from November 23, 2021). ~~This Sheet has been reviewed and conditioned under FCC 10-3 of these findings~~. The applicants submitted a revised parking and circulation plan on December 13, 2021 (Exhibit dd) which has been reviewed by staff and the Fire Marshall. Sufficient parking for the multi-family development is demonstrated on the plan. However, the Siuslaw Valley Fire and Rescue Fire Marshall, Tony Miller, sent an email dated January 4, 2022, as follows:

"I was reviewing the revised plan for the proposed development at Rhododendron Dr & 35th St. I reviewed all the lanes (Autumn Gold, Bellrose, Coral Mist, Dappled Dawn, Evening Glow, and Fair Sky) when they intersect or connect with Windsong LP and noticed the C5 Parking & Circulation page was not attached to the re-submitted plans. Page C5 Parking & Circulation page noted the lane widths, with the turning radiuses of the fire apparatus, the apparatus would cross into each lot or structure depending on the setbacks. I supplied the specification sheets for our apparatus turning radiuses to the engineer."

"Has this been addressed in the re-submitted plans? Are the setbacks adequate for fire department access with our turning radius?" (Exhibit jj)

FCC 10-35-12 D provides a Condition 8.a to ensure fire access has been addressed.

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.**

~~Although originally required to provide two fire hydrants within the development, the applicants have submitted an updated plan shown in Exhibit F Sheet C-5 that shows three fire hydrants interior to the development.~~ The two multi-family complexes will be sprinkled per Fire Code as will any single-family detached residences located 150' or more from Windsong Loop and discussed under FCC 10 35 -2 -12-D.

10-35-2-11: Joint and Cross Access – Easement and Use and Maintenance Agreement: Pursuant to this Section, the following documents shall be recorded with the deed for each parcel:

A. An easement allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;

B. An agreement that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

C. A joint maintenance agreement defining maintenance responsibilities of property owners.

Joint and cross access have not been proposed; however, the maintenance of the private road and lanes will be the responsibility of the future HOA, which are reflected in the Covenants, Conditions, and Restrictions' draft for the development, (Exhibit U)

10-35-2-12: Driveway Design: All openings onto a public right-of-way and driveways shall conform to the following:

A. <u>Driveway Approaches.</u> 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.

Driveway approach designs have been submitted to the Public Works Director and are under review.

B. <u>Driveways.</u> Driveways shall meet the following standards, subject to review and approval by the Public Works Director:

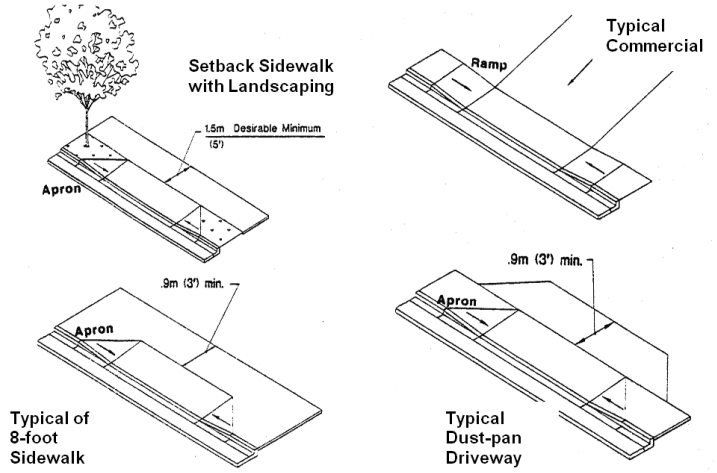
1. **Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.**
2. **Driveways shall have a minimum width of 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 proposed street network will feature Windsong Loop (private), which intersects with the east side of Rhododendron Drive in two locations. The proposed loop is connected to a network of lanes inside the site. All proposed lanes have been designed with a 20-foot right-of-way and 16 feet of pavement. These are shown on Sheet C210, Exhibit S. Access to the attached single-family lots will be from these lanes. All single-family detached driveways are proposed to be a minimum of 10 feet in width. Driveway grades will not exceed 15 percent. The proposed design provides adequate circulation for vehicles, bicycles and pedestrians. See also the findings for 10-35-2-12, below, regarding driveway dimensions.

C. <u>Driveway Apron Construction</u>. 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.

Figure 10-35(2): Examples of Driveway Next to Sidewalks/Walkways



The intersections of Windsong Loop and Rhododendron Dr. have been designed to meet street intersection standards. Driveway aprons are not provided on Rhododendron Dr. Driveway aprons have been provided where the proposed lanes intersect with Windsong Loop and the individual homes located along the lanes. The Public Works Director will verify that the Civil plans submitted meet the criteria.

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.

~~Although reviewed through the preliminary approval process, these criteria are currently under review of the Siuslaw Valley Fire and Rescue Fire Marshal and Public Works Director.~~ Updated Civil permit plans were submitted December 10, 2021 (Exhibit kk). In order to ensure that FCC 10-35-2-12 D is met, the applicants shall demonstrate through a revised Circulation plan that Fire access is provided in conformance with the Fire Code. Such demonstration of compliance shall be reviewed and approved by the Fire Marshal and Public Works Director prior to construction. [**Condition 8.a**]

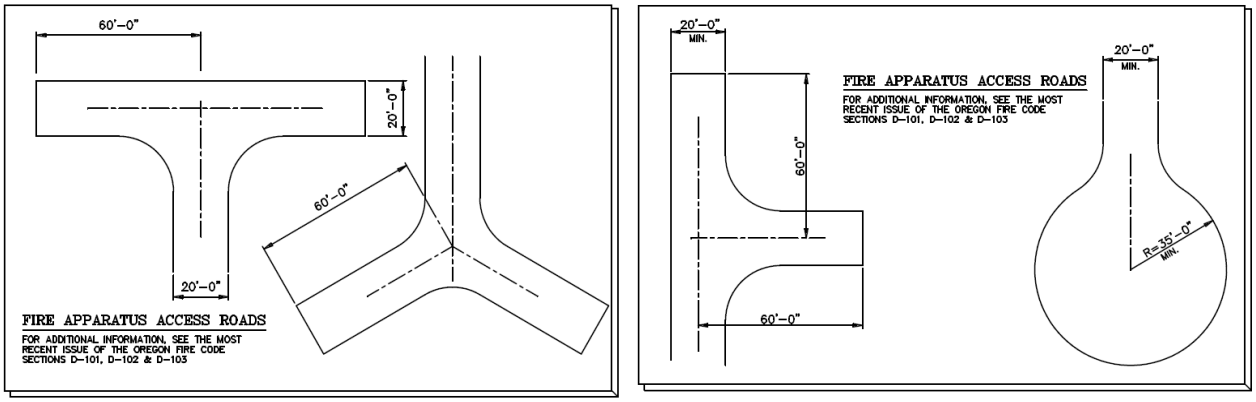


Figure 10-35(3): Examples of Fire Lane Turn-Around

10-35-2-13: Vertical Clearances: Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

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:

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

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

C. **At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').**

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

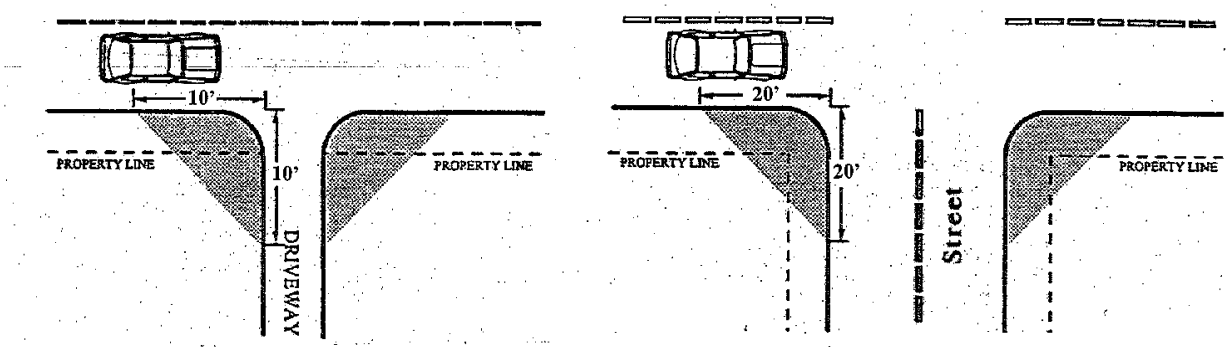


Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)

The application materials illustrate both the vertical and vision clearances are met.

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. <u>Requirements</u>: 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.

D. <u>Timing:</u> 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.

10-35-3-2: Site Layout and Design: To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A - C, below:

A. <u>Continuous Walkway System.</u> The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.

Sidewalks are show to be provided along both sides of the internal loop street, will connect to the future multi-use path on Rhododendron Dr. and to the internal circulation system which will then provide access to all building entrances and recreation areas.
.

B. <u>Safe, Direct, and Convenient.</u> Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:

1. <u>Reasonably direct</u>. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

2. <u>Safe and convenient</u>. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

[…]

4. "<u>Primary entrance" for residential buildings</u> is the front door (i.e., facing the street). For multifamily buildings in which units do not have their own exterior entrance, the

"primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

The internal circulation system appears to be reasonably direct, free from hazards, and provides access to all primary building entrances on site. These criteria have been met.

The internal circulation system will provide direct access to all building entrances, on-site parking areas, storage areas, recreation facilities and common areas. The internal circulation system will connect with the proposed multi-use path on Rhododendron Drive.

10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

A. <u>Vehicle/Walkway Separation.</u> Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

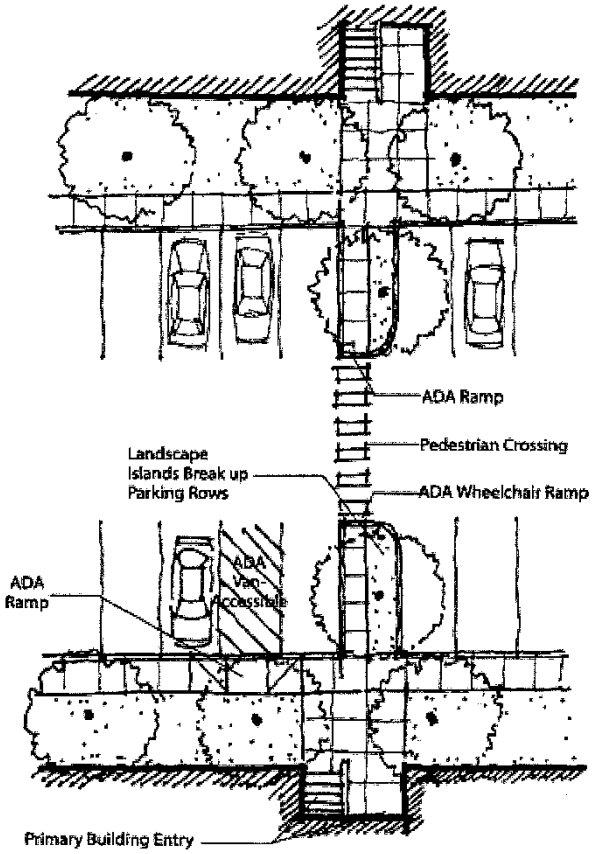
All proposed walkways, abutting streets and driveways will be separated by a six-inch curb.

B. <u>Pedestrian Crossing.</u> Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.

All pedestrian crossings ~~will be~~ <u>have been</u> clearly marked with contrasting materials in accordance to this subsection and are illustrated on Sheet L-1 <u>submitted on Dec. 13, 2021 by the applicant.</u> ~~of Exhibit G of the applicant's updated Open Space Plan and Sheet C903 in Exhibit W57.~~

C. <u>Width and Surface.</u> Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least five (5) feet wide, without curb. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least ten (10) feet wide. (See also, Section 10-36-2)

Figure 10-35(6): Pedestrian Walkway Detail (Typical)



The applicant proposes that all walkway surfaces be constructed of a durable surface as approved by the Public Works Director, and be at least five feet wide without a curb. The multi-use path to be located on the east side of Rhododendron Dr. was originally understood to be ten feet wide; however, after conversations with staff, the applicant understands that the path may provide an 8' wide pathway and have redesigned this path accordingly. The Public Works Director is evaluating the Civil plans located in the "W" series within the Exhibit's list.

D. <u>Accessible routes.</u> Walkways and multi-use paths shall conform to applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

Accessible routes were approved through the preliminary PUD process.

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.

A condition of the earlier preliminary PUD and tentative plan approval required the following:

"Condition 14. Lot 22 shall be platted with street (Lane) frontage or reclassified as a Tract with no dwelling."

The applicant supplied an updated plan that demonstrates access through an extension of Autumn Golden Lane which ends inside the South apartment complex parking lot. All other single-family residential units provide vehicular access from a lane. This condition has been met.

Another earlier Planning Commission condition placed on the applicant is this:

~~*"Condition 14.a. Sheet C-4 of Exhibit H depicts ROW cross sections. What shows as an*~~

~~*alleyway cross section should be labeled as a Lane. Additionally, this same cross section is labeled "Tract" at the top of the illustration and should be labeled as "Proposed Right-of-Way."* The applicant states in their narrative that this condition has been met through submission of Sheet C-4 of the Civil Construction Drawings submitted with the application. Sheet C210 of the drawings is actually where this ROW cross section is shown and has not been relabeled "Proposed Right-of-Way". The applicant shall meet the requirements Condition 14.a as stated in Resolution PC 20-07 PUD 01 and PC 08 SUB 01 by re-labeling "Tract" as "Proposed Right-of-Way." [**Condition 8**]~~ On December 10, 2021, the applicant submitted a revised and properly labeled Sheet C20 (Exhibit ii). Condition 14a of the tentative approval has been 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.

Pedestrian and roadway improvements are proposed along Rhododendron Dr., 35th St. and Siano Loop. The proposed improvements in the most recent Civil plans (Exhibit kk) dated December 10, 2021 are under review by the Public Works Director.

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.

There are three transportation projects identified in the TSP for the Rhododendron Dr. frontage of the proposed project, PRJ-17D, MU-1B, and B-4. There is a nexus for the first two, constructing the arterial cross-section and constructing a separated multi-use path. B-4 is for bicycle related tourism.

The applicant originally proposed using the alternative development cross section for Rhododendron Dr. rather than the standard cross section. That option is available when there are topographical or physical constraints. The grading plan does not illustrate any topographical constraints and there are no structures or major utility infrastructure physically constraining the development of the right-of-way. The right-of-way is platted sufficient width—60 feet, so no additional right-of-way dedication is anticipated. The City has included in their capital improvement plan construction of the path both south and north of 35th St. and participation has been secured from Fairway Estates development to the north. Construction of the alternative development cross section would be in conflict with the capital improvement plan. The applicant was conditioned through Condition 15 to construct the cross-section standard for Rhododendron Dr. or as modified by the Public Works Director or enter into a non-remonstrance agreement for proportionate contribution to near future improvements to Rhododendron Dr. in conformance with the TSP. Since the original Findings of Facts were submitted to the applicant, they met with the City and learned that the 10' wide pathway they had planned could be reduced to 8' and therefore the City's preferred design could be implemented. The applicants have provided a draft development agreement that includes a non-remonstrance agreement for proportionate contribution to near future improvements for Rhododendron Dr. in conformance with the TSP. Condition 15 of the preliminary PUD resolution has been met.

10-36-2-3: Creation of Rights-of-Way for Streets and Related Purposes: Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be

recorded, and provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Florence Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

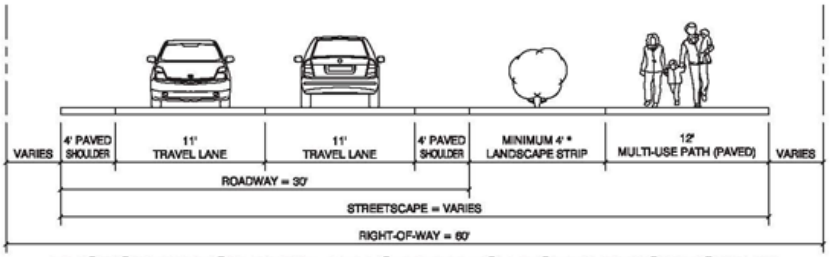
The proposed development will utilize a private street system on-site, through the platting of a road and lanes. New public (City) right-of-way for streets will not be created through this development. This criterion is met.

10-36-2-5: Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.

A. Street right-of-way and pavement widths shall be based on the following cross section standards. See individual zoning chapters for additional requirements regarding sidewalk width (for sidewalks wider than the standard 5 feet).

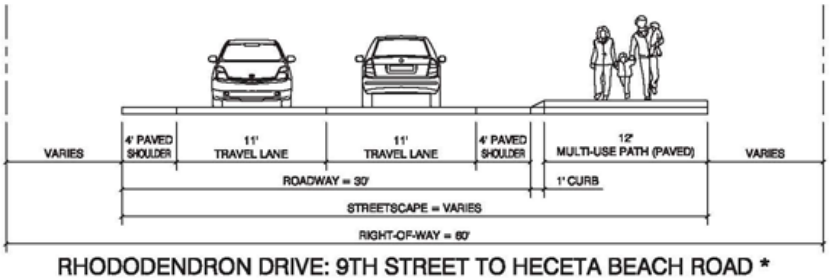
There are three transportation projects identified in the TSP for the Rhododendron Dr. frontage of the proposed project, PRJ-17D, MU-1B, and B-4. There is a nexus for the first two, constructing the arterial cross-section and constructing a separated multi-use path. B-4 is for bicycle related tourism.

Refer to 10-36-2-2 c, above.



RHODODENDRON DRIVE: 9TH STREET TO HECETA BEACH ROAD **
(STANDARD SECTION WITH SEPARATED PATH)

* WHERE PHYSICAL SPACE DOES NOT ALLOW A 4' SEPARATION, A VERTICAL CURB, BARRIER, OR RAIL SHOULD BE USED TO SEPARATE MOTOR VEHICLE TRAFFIC AND THE MULTI-USE PATH AS SHOWN IN ALTERNATE SECTION BELOW.
** PER RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN (JAN 2008).



RHODODENDRON DRIVE: 9TH STREET TO HECETA BEACH ROAD *
(ALTERNATE SECTION WITH RAISED PATH)

* PER RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN (JAN 2008).

The applicant proposes adding 5' of sidewalk, 7' of roadway and right-of-way dedication for ADA transitions to 35th St. This proposal exceeds the below cross section, as 15' of travel lane may be too wide.

"Condition 17. Prior to submittal of construction plans for review and approval by the Public Works Director the applicant shall coordinate with the City on street cross-section proposals."

The applicant has coordinated with the Public Works Director who is reviewing the Civil sidewalk plans for the development.

B. Modifications to the street standards identified in section A, above, may be made pursuant to Title 11 Chapter 7. Considerations based on the existing conditions along with the following factors would be reviewed as part of determining a hardship or meeting the purpose of Title 11:

1. Street classification in the Transportation System Plan

2. Anticipated traffic generation

3. On-street parking needs

4. Pedestrian and bicycle requirements based on anticipated level of use

5. Requirements for placement of utilities

6. Street lighting

7. Minimize drainage, slope, and sensitive lands impacts

8. Street tree location, when provided

9. Protection of significant vegetation, as provided for in Chapter 34

10. Safety and comfort for motorists, bicyclists, and pedestrians

11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided

12. Access needs for emergency vehicles

13. Transition between different street widths (i.e., existing streets and new streets)

14. Driveway Off-sets

15. Curve Radii

16. Queuing Factors

The project includes a variation in Windsong Loop's right-of-way width from the standards set by code. The project is utilizing the PUD process which permits a relaxation in the code standards. The proposal does include street lighting, pedestrian access on both sides of the loop, street trees, street furnishings in adjacent open space tracts, no driveway curbcuts, and on street parking. There are no concerns for radii at the two curves and more than one egress is provided from the site. The applicant will need to consult with the utility providers to coordinate location of cable, power, and phone service, which are typically located in the remaining right-way area. **[Informational 2]**

[…]

10-36-2-7: Alleys, Public or Private: Alleys shall provide a 20-foot right-of-way and 16 feet of pavement. Unless otherwise approved by the Planning Commission, where topographical conditions will not reasonably permit, grades shall not exceed twelve percent (12%) on alleys. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall

have a radius of not less than twelve (12) feet or wider if required by the Fire District.

The project includes lane access for all of the single family attached and detached dwellings measuring 20' wide with 16' of pavement. The lanes do not intersect with one another, have sharp changes in alignment nor exceed 12% grade. The Siuslaw Valley Fire and Rescue has not indicated a need for a radius greater than 12%. Criteria are met.

10-36-2-8: Private Streets: Private streets shall conform to City standards of construction and shall include sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter or the Transportation System Plan. Legal assurance for construction and maintenance shall be required of the developers and owners. Private streets shall connect with public streets to complete the City's transportation system grid where practical.

The proposed private street, Windsong Loop, has been designed to conform to City standards of construction and will include sidewalks. There are no planned connections through this development to public streets. The revised master plan approved in 2005 for this property required vehicular connection through what is now Wisteria to Royal St. George. This opportunity is no longer available with the platting of that land. The criteria are met.

10-36-2-11: Traffic Controls:

A. Traffic signals/roundabouts shall be required with development when traffic control warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. Traffic signal/roundabout design shall be approved by City Engineer. The developer's financial responsibility and the timing of improvements shall be included as part of the development approval.

B. Traffic controls on roads under State jurisdiction shall be determined by the Oregon Department of Transportation. Traffic controls on roads under Lane County jurisdiction shall be determined by Lane County.

C. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

D. Where the City TSP identifies future traffic signals, additional right-of-way shall be provided at the intersection to accommodate the signal apparatus.

The applicant's Traffic Impact Analysis submittals for the preliminary PUD, as mentioned earlier, were extensively vetted and discussed through the earlier PUD process which included peer reviews resulting in updated traffic counts and updated TIA to validate the nexus for improving Rhododendron and installing, with this development, a southbound left-hand turn lane at the intersection of 35th and Rhododendron:

"Condition 11. The applicant shall enter into a development agreement with the City for the construction of a southbound left-hand turn lane at the intersection of 35th Street and Rhododendron Drive and its intersection reconstruction. Improvements would be funded in a combination of proportional SDC funding and/or credits with City participation and developer contribution."

With this final PUD application, a Development Agreement draft (Exhibit V) was submitted addressing this condition.

10-36-2-18: Curbs, Curb Cuts, Ramps, and Driveway Approaches: Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with Chapter 35, Access and Circulation, City of Florence Standards and Specifications and the following

standards:

A. Curb exposure shall be per City Standards and Specifications.

B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.

C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.

Curb details have been submitted in the Civil permit sheets under review by the Public Works Director.

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 worked with the City to supply the private street and lane names per Condition 28 of the preliminary PUD and tentative plan approval. These are shown on Sheet C200 of Exhibit C and a list has been provided by the applicant as follows:

Proposed Finding: The Final Plat name of "Rhododendron Arbor" and the below listed street names were approved by the Planning Department and provided to the Lane County Road and Street Naming Committee. COA 28 is met.

Street	Name
Internal Loop	Windsong Loop
Lane "A"	Autumn Gold Lane
Lane "B"	Bellrose Lane
Lane "C"	Coral Mist Lane
Lane "D"	Dappled Dawn Lane
Lane "E"	Evening Glow Lane
Lane "F"	Fair Sky Lane

Recently, it was discovered that naming Windsong Loop requires City Council approval, and not the Community Development Department. The street naming system in place poses a challenge along Rhododendron Dr. due to the fact that many of the streets were named while property was situated outside of City limits. On February 7, 2022, the City Council will be considering a formal proposal to allow the development's street name as Windsong Loop as well as another proposed street name for a separate project located farther north of Rhododendron Dr.

[…]

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.

Lighting is reviewed under FCC 10-37 of these findings.

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.

Draft Civil plans have been submitted that contain this infrastructure and are under review by the Public Works Director. These plans have since been re-submitted on December 10, 2021.

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.

Condition 34 of Exhibit C requires*: "The single-family detached water meters shall be located along the loop road and be public. Water lines running to the homes from those meters shall be private."*
The applicant has demonstrated that this condition has been met in Exhibit T, Sheet C300.

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.

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.

Condition 20 of Exhibit C: *"Verification of existing and proposed water service mains and hydrant flow supporting the site will be required to be submitted for review and approval by the Building Official and Fire Marshall."*

Siuslaw Valley Fire and Rescue's Fire Marshal Tony Miller supplied an email (Exhibit P) dated April 20, 2021 that instructs that Public Works should verify if any major changes to the water system in the area had been made and another flow test could be conducted. He also provided information sheets on three area hydrants indicating that these were not viable.

The Civil plans submitted with the application were ~~are~~ under review by the Fire Marshal (as applicable) and Public Works Director prior to the original findings of fact for the final PUD. December 10, 2021 resubmittals of the Civil plan have been reviewed by Civil West Engineering. Their comments are provided in Section III, Referrals, in these findings.

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 applicant has been conditioned to apply and receive required state permitting prior to the site disturbance under Condition 21 of Exhibit C.

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.

Easements will be noted on the final plat. Maintenance and access to the easements are included in the CC&Rs submittal (Exhibit U).

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.

Condition 22 of Exhibit C: *"Prior to construction of streets or utilities an engineered construction plan shall be submitted for review and approval by the Public Works Director."* The applicant submitted appropriately engineered Civil construction plans. ~~These are currently under review by the Public Works Director.~~ Comments on the plans were provided by Civil West Engineering as shown in Exhibit X. Since then, the applicants resubmitted the Civil set on December 10, 2021, which have been reviewed by the Public Works Director as well as Civil West Engineering as discussed elsewhere in these findings.

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 and maneuvering areas, landscape areas, streets and street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

A. […]

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.**

This proposed project is adding dwelling units to vacant parcels of land and is subject to this chapter.

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.

The preliminary application included a photometric plan for the entire site that includes the location of each type of luminaire. The Key Notes included the number of lights, their wattages, lumen output, and mounting heights. Imagery of the luminaires was not provided.

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.

The preliminary application proposed use of four lighting styles throughout the development. Three of these are illustrated below. The pole light is full cut-off and the garage round downlight not pictured is presumed to be mounted flush in the ceiling and thus shielded. These two meet the criterion.

The garage doors of the attached and detached single family units and the northern multi-family complex parking area were proposed to have the unshielded wall pack illustrated below to the right. Staff concluded that the lumen output exceeded the amount permitted under the exceptions section below. The findings from the preliminary approval showed acceptable shielded example (below, left side). Staff also noted that the open space areas and ped-ways were proposed to be illuminated with the bollard illustrated in the middle below.

The outward illumination of the bollard, staff explained, creates glare and thus is not permitted under the exclusions and so not permitted. Additionally, there are a number of dark sky compliant bollards of similar design and even more complimentary with the proposed street lighting. The WKP Wal-Pak and Lightwave ULW-10874 bollard lighting shall be replaced with full cutoff fixtures. As a result of these observations, the applicant was conditioned:

"Condition 23: A revised photometric plan shall be provided for review and approval in conjunction with applications for the first of either the Final PUD or building permits."

The applicant supplied lighting information for the street lights identical to the street light illustrated above (Exhibits R, R1 and R2). They propose the use of 21 street light poles with a pole height of 17' from ground level to the bottom of the fixture. A photometric plan for the street lights along Windsong Loop only is also included in the exhibit.

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.

There are two parking areas: northern multi-family and southern multi-family. The parking within the loop road and within the single-family dwelling lots is not reviewed under this criterion as they have other sections more applicable to them.

The findings for the resolution in Exhibit C stated:

The northern (multifamily)*development parking spaces are located entirely under the buildings and have illumination ranging from 14.2 to 1-foot candles. The southern development provides parking mostly under the buildings but there are three groups of three parking spaces each located between the two buildings. Illumination ranges from 8.6 to .6-foot candles. In both cases they exceed the maximum 5 foot-candles permitted over parking spaces and 7 foot-candles permitted by the DRB under the light fixture. Given the proximity of adjacent residential dwellings next to the multi-family structures that would not be permitted except for the PUD designation less than 2 foot-candles would be acceptable. For this same reason the lighting should not exceed the maximums provided*.

From these findings, Condition 24 was required:

"Condition 24. The lighting plan shall be revised to provide no greater than 5 foot-candles over parking spaces and walkways and no greater than 7-foot candles directly under light fixtures."

Because the bollard and wall pack information were not updated, a complete lighting review cannot be performed. Product information sheets demonstrating full cutoff for exterior lighting shall be submitted for review and approval in conjunction with the design review associated with the respective multi-family building project demonstrating compliance with FCC 10-37-4. **[Condition 9]**

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

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

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

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

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

The application for the preliminary PUD proposed light mounting heights of 16', 12', 10' for the two types of pole and round downlights in the multi-family garages. Mounting heights for the garage Wal-Paks were not provided. Since they were proposed on both the northern multi-family structure and the single family structures the heights likely vary. For this reason, Condition 25 was applicable:

"Condition 25. Light mounting heights shall be no greater than 20'."

The applicant's narrative (Exhibit E) states that Conditions 23 through 25 of the preliminary PUD have been met. Staff has been unable to determine, other than Condition 25, that Conditions 23 and 24 have been fully met given the lighting materials submitted with the final PUD.

TITLE 9: UTILITIES

TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT REQUIREMENTS

9-5-1: GENERAL PROVISIONS

The proposed PUD development requires use of on-site stormwater management facilities supported through the findings of an engineered stormwater management plan for the project. The project is located in the most downstream subbasin of the Northwest Basin. The properties in the adjoining Sea Watch Basin west of this development have suffered known river bank failures due to surcharges of ground water. The applicant proposes the use of infiltration, soakage trenches and dry wells for roof run-off. No detention systems are proposed. Due to the location of the project near known areas of hydrology concerns additional requirements to include analyses, testing and conditions of approval have been required to satisfy the overall purposed of this code. Stormwater was conditioned in Exhibit C. Below are all conditions from Resolution PC 20 07 PUD 1 and PC 20 08 SUB 01 as they relate to stormwater:

"Condition 30. Prior to receiving approvals for final PUD or final plat the developer shall obtain the services of a qualified hydrologist (not only a geologist) and perhaps someone that is a coastal geomorphologist to supplement the proposed Stormwater plan and assist in preparation of the Phase 1 Site Investigation Report that can bring a better understanding of all the factors in play related to how infiltrated groundwater affects hydrology in this sub-basin and those adjacent up and down-grade."

"Condition 31. There is no capacity available in the public storm systems within Rhododendron Dr. The stormwater system shall be designed to accommodate all on-site stormwater with no additional water being conveyed outside the property."

Since these conditions were created, the applicant obtained the services of Branch Engineering to understand hydrology in connection with the proposed development. Branch Engineering produced a July 6, 2021 report based on its findings (Exhibit L). This report was peer reviewed by GSI Water Solutions, Inc, (recognized by the City of Florence as a qualified hydrologist familiar with the area) who produced a technical memo dated July 21, 2021 based on their findings (Exhibit M). From this review, the applicant provided an updated stormwater report by Branch Engineering dated September 16, 2021 (Exhibit N). This latter report was then peer reviewed by Civil West Engineering peer reviewed on behalf of the City of Florence. This review, dated November 15, 2021, (Exhibit O):

"The report is well prepared and generally meets the requirements of the City of Florence – Stormwater Management Design Manual (FSWMDM). The preliminary review comments contained in our July 9, 2020 review have been addressed, but we have identified some areas of concern within the final report, which are identified below.

1. Construction plan set is missing sheet C230 (Grading Plan). Without this sheet we have not been able to evaluate how the development meshes with the adjacent properties around the perimeter of the site, please provide an updated document set with this sheet included. From the information provided, it appears that there are two points along the west property line where offsite flows enter the site. Based on the plans, only one catch basin is provided to capture this flow.

2. The storm drain interceptor located on the side of lot 70 does not show an easement, see sheet C312. Please update documents to show and easement and provide an updated set of documents to the City.

3. Storm drain interceptor inlet has a 24" diameter area drains, see sheet C312 and C931. Per the report, this inlet will receive flows of up to 12 cfs for a 100yr storm. Please provide calculations showing that the inlet has the capacity needed to pass the design flows.

4. Plans show BayFilter, report describes "StreamFilter." These are different units, which is being proposed?

5. Sheet C310 shows bypass going into existing manhole, but no detail for this connection is shown. Callout indicates a 36" IN, and a 14' OUT. Per plans included in report (Pg 75 & 76 of pdf), existing pipes are 36" IN and OUT.

6. Where does drainage from Lot 1 go? How is this addressed with new sidewalk, curb & gutter?

7. Page 27 of 178 within the pdf file presents a map of the impervious area of the development, and the table presented shows that the total impervious area that will be serviced by the infiltration facilities will be 4.02 acres, but the total impervious area provided below the table is shown as 1.87 acres. The Table 3 on page 7 of 17 of the report also indicates that the impervious area for the development is 1.87 acres which is also in conflict with the table provided in the appendix. Please verify the total impervious area that the water quality facilities are designed to support as well as the total area that the infiltration facilities will be designed to accept runoff from.

8. Provide detail on sheet C318 of existing storm pipe to show that overflow pipes can be connected."

The applicant shall ensure each of the eight comments provided by Civil West Engineering's November 15, 2021 review of the applicant's September 16, 2021 Storm Report have been thoroughly addressed in a supplemental Storm Report to be reviewed by Civil West Engineering, the City's engineer of record, at the expense of the applicant. **[Condition 10]** The applicant submitted updated Civil plans and Storm Report dated 12-10-21 in response to the above 8 comments by Civil West. A Civil West referral comment shown in Exhibit jj explains that the eight comments had not been addressed.

9-5-5: EASEMENTS:

9-5-5-1: PUBLIC FACILITIES:
A. Public facilities must have an easement, tract, or right-of-way granted to the City to provide for the inspection and maintenance of the drainage system and stormwater management facilities. A minimum of 7-1 /2 feet is required along each side of the centerline of stormwater pipes and culverts. A fifteen-(15) foot wide access is required around the perimeter of stormwater management facilities (ponds, wetlands, infiltration facilities, etc). A fifteen-(15) foot wide easement with a minimum 10' wide access road located within the easement shall be provided when the public facility does not front a public road. Increased easements/improvements may be required on a case-by-case basis depending upon the unique drainage situation or facility maintenance requirements.

The application includes easements for some utilities. Any public stormwater facilities must have easements as required under FCC 9-5-5-1. These easements are discussed in the applicant's CC&R draft (Exhibit U) and will be shown on the final plat.

VI. INFORMATIONALS

1. The City is relying on the expert opinions of 3J and Branch reports submitted by the applicant and the peer review conducted by GSI. The analysis is not being done by the City; the City is relying on the analysis conducted by these three separate professional firms. The City is not making an independent decision as to the SIR accuracy, mitigation effectiveness or risk abatement. These findings implement the professional opinions of these engineers.

2. The applicant will need to consult with the utility providers to coordinate location of cable, power, and phone service, which are typically located in the remaining right-way area.

VII. CONCLUSIONS

The Planning Commission finds that the proposed applications meet the requirements of City Code with conditions and approves the applications based on the findings of compliance with City regulations

A	Findings of Fact
C	Resolution PC 20 07 PUD 01 & PC 20 08 SUB 01
D	Resolution No. 28, Series 2020
E	Application and Narrative
F	Parking & Circulation Plan Sheet C-5
G	Open Space, Materials, Planting, Irrigation Plans
H	Phase 1 SIR
I	Wetland Delineation Memo
J	DSL Wetland Delineation Concurrence
K	U.S. Army Corps Determination
L	Branch Engineering Stormwater Geotech 7.6.21
L1	Branch Engineering SIR Geotech 1.28.20
M	GSI Review 7.21.21
N	Stormwater Report 9.16.21
O	Civil West Eng. Peer Review of Exhibit N
P	SVFR Hydrant Flow Tests
Q1 thru Q5	Public Testimony
R	Lighting 1
R1	Lighting 2
R2	Dark Skies Info Sheet
S	Sheet C210- Typical Cross Sections
T	Sheet C300 – Water Utilities
U	Draft CCR's
V	Draft Development Agreement
W	Sheets C000 & C010 – Civil Cover, Legend & Index
W1	Sheets C040 thru C044 – Tentative Plat Materials
W2	Sheet C100 – Existing Conditions & Demo Plan
W3	Sheet C120 – Erosion & Sediment Control Plan Cover
W4	Sheet C140 – Clearing & Demo ESCP
W5	Sheet C150 – Construction Site Mgt & Grading ESCP
W6	Sheet C160 – ESCP Detail I
W7	Sheet C200 – Overall Site Plan
W8	Sheets C211 thru C214 – Windsong Loop
W9	Sheets C215 & C216 – Autumn Gold Lane
W10	Sheets C217 & C218 – Bellrose Lane
W11	Sheets C219 & C220 – Coral Mist & Dapple Dawn Lanes
W12	Sheets C221 & C222 – Evening Glow & Fair Sky Lanes
W13	Sheet C231 – Driveway Detail Key
W14	Sheets C232 & C233– Driveway Details I & II
W15	Sheet C234 – Driveway Details III
W16	Sheet C240 – ADA Ramp Detail Key
W17	Sheets C241 thru C243 – ADA Ramp Details I thru III
W18	Sheets C244 thru C247 – ADA Ramp Details IV thru VII
W19	Sheet C270– Bellrose Ln Wall P&P
W20	Sheet C271 – Dappled Dawn Ln Wall P&P
W21	Sheet C272 – Evening Glow Ln Wall P&P
W22	Sheet C273 – Fair Sky Ln Wall P&P
W23	Sheet C300 – Composite Utility Plan
W24	Sheet C310– Storm Main Bypass (0+00 – 5+00)

W25	Sheet C311 - Storm Main Bypass (5+00 – 7+00)
W26	Sheet C312 – Storm Main Bypass (7+00 – 9+58)
W27	Sheet C313 – Storm Main A (0+00 – 4+50)
W28	Sheet C314 – Storm Main A (4+50 – 8+25)
W29	Sheet C315 – Storm Main C (0+00 – 2+85)
W30	Sheets C316 thru C318- Infiltration Facilities I, II & III
W31	Sheet C330 – WW Main A (0+00 – 3+25)
W32	Sheet C331 – WW Main B (0+00 – 4+19)
W33	Sheet C332– WW Main B (4+19 – 6+00)
W34	Sheet C333 – WW Main C (0+00 – 3+76)
W35	Sheet C334 – WW Main D (0+00 – 3+85)
W36	Sheet C335 – WW Main E (0+00 – 0+78)
W37	Sheet C336 – WW Main F (0+00 – 4+53)
W38	Sheet C337 – WW Main F (4+53 – 6+19)
W39	Sheet C338 – WW Main G (0+00 – 1+75)
W40	Sheet C339 – WW Main H (0+00 – 1+84)
W41	Sheet C350 – Water Main A (0+00 – 4+25)
W42	Sheet C351 – Water Main A (4+25 – 7+50)
W43	Sheet C352 – Water Main A (7+50 – 10+00)
W44	Sheet C353 – Water Main A (10+00 - 12+50)
W45	Sheet C354 – Water Main B (0+00 – 3+76)
W46	Sheet C355 – Water Main C (0+00 – 4+08)
W47	Sheet C356 – Water Main D (0+00 – 2+04)
W48	Sheet C357 – Water Main E (0+00 – 2+17)
W49	Sheet C358 – Water Main F (0+00 – 2+09)
W50	Sheet C359 – Water Main G (0+00 – 2+84)
W51	Sheet C360 – Water Main H (0+00 – 0+83)
W52	Sheet C701 - Rhododendron Dr. (10+00 – 12+50)
W53	Sheet C702 - Rhododendron Dr. (12+50 – 15+50)
W54	Sheet C703 - Rhododendron Dr. (15+50 – 18+00)
W55	Sheet C704 – 35th St (1+00 – 2+75)
W56	Sheet C705 – Siano Loop (1+00 – 2+50)
W57	Sheets C901 thru C903– Site Details I, II & III
W58	Sheets C931 thru C934 – Storm Details I, II, III, IV & V
W59	Sheet C941 – Sanitary Details I
W60	Sheet C951 – Water System Details I
X	Referral Comments by Civil West & Public Works regarding Civil Permit Set - Exhibits W
Y	Staff Response to Stormwater Questions
aa	Albrecht Response to Staff Findings
bb	Dec. 13, 2021 Sheets L-1 through L-7 (Open Space Plan, Recreation Plan, Landscape and Irrigation Plan)
cc	Supplemental Materials List
dd	Sheet C5 Parking and Circulation Plan
ee	Referral Comment Response Log
ff	Geotech Response to Yaquina Soils
gg	Stormwater Report dated Dec. 10, 2021
hh	Fire Flow and Hydrant Spacing Worksheet
ii	Sheet C210 Typical
jj	Referral Comments
kk	Permit Set (Civils) submitted 12/10/2021
mm	GSI Referral and 3J Response to Storm Report