

OUR COASTAL VILLAGE, INC.
PO BOX 108
YACHATS, OR 97498-0108

CHESTNUT MANAGEMENT, LLC
PO BOX 108
YACHATS, OR 97498-0108

September 26, 2024

Community Development Department
Attn Clare Kurth, Associate Planner
City of Florence
250 Hwy 101
Florence, OR 97439

Re: Elm Park PUD, PC 24 27 PUD 01

Dear Clare Kurth,

This letter responds to your NOIC dated September 13, 2024, and identifies the revised and new exhibits that are provided with the NOIC Revised Combined PUD and Replat Application Attachment (“PUDAA”) submitted concurrently herewith. The text of the NOIC appears below in italics and our responses follow in bold.

Thank you for submitting Land Use application PC 24 27 PUD 01, a request for a planned unit development for a 32-unit apartment complex, early learning facility, and associated development on the property. PC 24 28 SUB 01 [includes] an application for a subdivision replat [which] is understood to have been withdrawn.

As indicated in prior emails, we have rescinded the withdrawal of our Replat Application; we need the Replat Application to proceed with all deliberate speed.

*The project property is located on Lane County Assessor’s Map Ref 18-12-27-31, Tax Lots 01100 and 01200. After reviewing the application materials, the application was deemed “**incomplete**” and needs the following information:*

- *If applying for design review concurrent with the PUD, utility plans are required for all interior onsite utility locations and off-site improvements proposed.*
 - *Public Works requests utilities be taken from the perimeter street ROWs and not be located in the alley.*
 - *Street light specifications are in Resolution 16, Series 1999.*

The EPA and ELF Preliminary Engineering, Exhibit 2 and Exhibit 3, respectively, to the Design Review Application Attachment filed 9-1-24 (the “DRAA”), showed utilities accessed through the alley from Greenwood Street. We made this choice because the locations of utilities in unbuilt 10th Street, Fir Street, and 11th Street are unknown, making it impossible to show utility connections in those streets. After repeated emails and phone calls to discuss this issue with Public Works and Community Development were not responded to, we directed our civil engineer to revise the utility connections so that the utilities are not in the alley and the request of Public Works is honored. Revised Exhibits 2(1) and 3(1) are being submitted with an amendment to the DRAA. They are also

submitted with the revised PUDAA as Exhibit N-1 (EPA) and Exhibit N-2 (ELF), respectively.

- *FCC 10-1-1-4-C-3 requires the identification of natural features such as grade changes, wetlands and streams within 300 feet of the project site that is one acre or larger.*
- *Wetland Delineation from Branch indicates wetlands in the NW corner of the property which are regulated in the Yaquina and Wet Area references of FCC 10-7. The drainage plan for this area may be required with this application in accordance with 10-7-3-H*

FCC 10-7-3-H requires drainage plans for areas of a development site that are outside of significant riparian areas but have “seasonal standing water.” Neither our Geotechnical Report nor our Wetlands Report identifies any area of “seasonal standing water” on the EPA Site or the ELF Site that would require a drainage plan under 10-7-3-H. The City has not identified any areas of “seasonal standing water.”

Alta Survey from KPPF illustrates a top of bank (TOB). The TOB is part of Significant Riparian Reach, RAIR-B, a Goal 5 resource regulated by FCC 10-7-4. This reach is indicated in the Wetlands and Riparian Plan to have a 65 ft. wide buffer measured from the TOB, which extends onto the subject property.

- *Review the 10-7-4 code section and determine what application materials require revision to illustrate the TOB and the required minimum setback of 65 feet. The city needs to successfully acquire a land use permit as required under FCC 10-2-12-E-4 for the street and utility infrastructure on the north and west sides of the project area in order to not impact the structures and improvements proposed for in the buffer area. And depending on the location of the infrastructure improvements the project site may still be impacted by the riparian reach buffer.*

As requested, the ALTA Survey has been revised to show the 65’ setback line from all TOB points for which the setback would be on the EPA Site. It is Exhibit C(1) to the revised PUDAA. The EPA site plan has also been revised to show the 65’ setback line and is submitted as Exhibit E-1(1).

The revised PUDAA requests a modification of the 65-foot setback line based on the City’s Infrastructure Project, which will build public facilities within Fir Street, 10th Street, and 11th Street rights of way to protect the drainage channel from the impacts of development.

Both the Wetlands and Riparian Plan (pp. 34, 39) and the City Code (FCC 10-7-4-B-3 and 10-7-4-D-1-h) provide exceptions for “public facilities.” The Infrastructure Project will develop public facilities consisting of Fir Street (and related utilities) to the west, 10th Street (and related utilities) to the south, and 11th Street (and related utilities) to the north. Under FCC 10-7-4-D-1-h, the City must see that the “public facilities” are “designed and constructed to minimize intrusion into the wetland” and must replant “disturbed areas” with “native vegetation.” Once the City has completed the Infrastructure Project, that Project will block the EPA site from having any adverse impact on the RAIR-B “significant riparian area.” According to the City, the Infrastructure Project will be completed in August 2025, at least seven months before April 1, 2026, when construction would end on EPA.

Exhibit E-1(1), attached to the revised PUDAA, shows: (a) the northwest corner of Building A is 19.9’ south of the 11th Street right of way and 12’ east of the Fir Street right of way, and (b) the northwest corner of Building B is located 70’ east of the Fir Street right of way and 12’ south of the 11th Street right of way. It is highly unlikely that any of the new public

facilities will extend far enough into the EPA site to impact the proposed building locations. According to the staff presentation at the August 19 Council meeting, the city will receive 50% design submittal plans in November 2024 and final plans in January 2025, so the exact location of the public facilities will not be known for some time.

The revised PUDAA requests a PUD modification of the 65' buffer area to the area shown in Exhibit E-1(1) site plan north and west of Buildings A and B based on the public facilities exemption for the public facilities being built within this “significant riparian area.”

- *Width and location of any and all public utility easements.*
 - *If no easements are proposed, please include a statement that no public utility easements will be included with this PUD.*

We have added a statement in the revised PUDAA that no public utility easements are included.

- *All public improvements proposed to be made or installed and time for which the improvements are anticipated to be completed.*
 - *Exhibit D includes the proposed infrastructure project in the area. If no other public improvements are proposed to be made, please include a statement.*
 - *The application materials reference local streets that are yet to be developed. Please include a statement regarding the proposed timeline for this improvement compared with the site development. This information will be important to demonstrate the completion of the buildings will be aligned with completion of the streets and adequate services to the site.*

City Staff reported at the August 19, 2024, Council meeting, where the Council adopted Resolutions 19 and 20, Series 2024, that the Infrastructure Project will be completed in August 2025. The earliest date for completion of the EPA is April 1, 2026, so the City’s Infrastructure Project will be completed about seven months before the EPA. These statements are included in the revised PUDAA.

We have added a statement to the revised PUDAA stating that no public improvements are proposed except eliminating the median in Greenwood Street opposite the alley to allow northbound traffic to make a left-hand turn into the alley.

- *A Traffic Impact Study (TIS) scoping letter was received on August 15, 2024*
 - *This project is anticipated to generate 317 average daily trips according to the ITE. Any project that includes 25 dwelling units or an increased daily trip count of 250 or more requires a TIS.*
 - *Additional information and expanded scope of work for the TIS is required as per email sent to Chris Clemow on August 29, 2024.*
 - *Please provide the width of Greenwood St ROW and update plans to include width.*
 - *The table under Section 4. Existing Conditions (pg. 3 of 36) indicates sidewalks are present on Greenwood. Sidewalks are only present along the Justice Center street frontage.*
 - *The TIA scope response included analyses of the median on Greenwood St.*

The TIS identified as **Exhibit L** to the revised PUDAA addresses the width of Greenwood Street ROW, parallel parking on the west side of Greenwood Street (opposite the ELF), Greenwood Street's southbound lane is sufficiently wide (at 20.3 feet) to permit parallel parking opposite the ELF, and there is a preference for eliminating the median opposite the alley to enable northbound traffic on Greenwood Street to make a left turn into the alley.

- *If applying for design review concurrent with the PUD a stormwater management and drainage plan are required to be submitted for all residential development over 10,000 sq ft and commercial developments over 500 sq ft in compliance with FCC 9-5 and the City's [Stormwater Design Manual](#).*
 - *A separate stormwater management plan may be required for each of the two properties if the uses do not share stormwater system facilities to include associated grading plans.*

Exhibits 2 and 3 to the DRAA contain separate stormwater plans for the EPA and the ELF, respectively. **Exhibits 5 and 7** to the DRAA contain separate stormwater reports for the EPA and the ELF, respectively. Those plans also show the types of stormwater facilities proposed, which are also included in the landscape plan included in **Exhibit H(1)** to the revised PUDAA.

- *The landscaping plan submitted on August 9, 2024 includes a list of the number of trees and native plants proposed in each swale facility. This information is not sufficient for staff review.*
 - *Please provide the type of stormwater facility proposed, the species of each plant proposed, and the proposed size at time of planting.*
 - *The approved planting species and sizes can be found in [Stormwater Design Manual \(SWDM\)](#) in Appendix G starting on pg. 98 of 186. The facility typicals can be found in Appendix I, starting on pg. 137 of 186.*

The landscape plans included in Exhibit H(1) to the revised PUDAA show the types of stormwater facilities proposed at various locations and the other information requested immediately above.

- This project is over 1 acre and therefore will require a DEQ National Pollution Discharge Elimination System Permit prior to site disturbing work.
 - Please submit a [DEQ LUCS](#) for the City to review as part of this process. This can be found at: <https://www.oregon.gov/deq/FilterDocs/lucs.pdf>

The DRAA acknowledged the need for this permit. We submit the DEQ LUCS as Exhibit M to the revised PUDAA.

- *A landscaping plan was submitted for City review on August 9, 2024. The plans were missing the following required information. A full list on minimum landscaping plan requirements can be found at [FCC 10-34-3-2](#).*
 - *Species of all proposed plantings. This should include trees, shrubs, groundcover, and stormwater plantings.*
 - *Soil specifications for the time of plantings to ensure survival of plants. Swales have specific*

soil requirements, shown in Appendix B of the SWDM.

- *No ground cover plants are proposed. In accordance with FCC 10-34-3-4-A-1 regarding ground cover requirements; “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.”*
- *Please provide information for non-plant ground cover materials.*

The landscape plans identified as Exhibit H(1) in the revised PUDAA provide the requested information.

- *With the withdrawal of the replat application how do you propose to address the fence criteria with regard to the designation of lots lines?*

As noted above, we have rescinded our withdrawal of the Replat Application, so there is no need to address this issue.

- *Additional information is required to determine if parking lot standards have been met.*
 - *Providing the plant species as previously requested will allow staff to determine if screening and buffering requirements of FCC 10-34-3-7 are met.*

The previously requested plant species are contained in the landscape plans identified as Exhibit H(1) in the revised PUDAA.

- *Per FCC 10-34-3-6-C; each parking lot island is required to be a minimum of 5 feet in width and be a min. of 30 sq. ft. Please provide parking lot island dimensions.*

The site plan identified as Exhibit E-1(1) in the revised PUDAA shows the square footage of each parking lot island.

- *Per FCC 10-34-3-6-B; each parking lot island is required to have a minimum of one tree. Please include the minimum trees in each parking lot island.*

The landscape plans identified as Exhibit H(1) in the revised PUDAA show at least one tree in each parking lot island.

- **Open Space information**

- *A fee-in-lieu is proposed for undeveloped Elm Park located within ¼ mile of this project, on the south side of Fir St. Please provide the distance from the project to the park as per FCC 10-23.*
 - *The fee is a combination of the assessor land value of the open space being provided by “fee-in-lieu” and “an additional fee for improvements planned for the underdeveloped parkland as identified in the Florence Parks and Recreation Master Plan or in a City Council approved community park plan for that park.” Elm Park is*

classified as a Neighborhood Park and is discussed in the [Park Master Plan](#) as consisting of 3.55 acres and needing a development plan.

- *Your statement about the passive recreation amenities proposed both on site and within Elm Park are desired passive amenities. Those mentioned for the park since are ideal since it has large areas of wetlands and steep slopes. You are encouraged to solicit the residents of your current development to ask what active recreation amenities they would like to inform the Elm St. project and park development. The park plan research includes recommendations for amenities but is more than 15 years old. Presently there are newer trends in recreation. Some ideas are linear pump trails, which encourage multi-modes of transportation; adult playgrounds with fitness apparatus which support aging in place and reduce loneliness; and disc golf which is inexpensive to participate in, can be played by many age groups, and is preferred within natural resource areas by those that play.*

Elm Park is less than 100 feet from the EPA -- just across Fir Street. We have added that statement to the revised PUDAA. Once we have the EPA residents and ELF users, we will facilitate engagement with them concerning the amenities for Elm Park.

- Please revise the application attachments to remove exhibits specific to a replat and revise findings narrative to reflect the singular PUD application, namely the last two pages.

Because we have rescinded the withdrawal of the Replat Application, the revised PUDAA does not delete these items.

Items that are not included with the preliminary PUD application, but are required to be submitted with the Design Review applications or Final PUD Plan whichever occurs first:

- *A minimum 50% of parking stalls to include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 3 electric vehicle charger for multi-unit dwellings. (TSP and FCC 10-3)*

The utility plans submitted in Exhibits 2 and 3 to the DRAA have been revised and will be submitted with an amendment to the DRAA to include the electrical conduit adjacent to 50% of parking stalls suitable for a Level 3 electric vehicle charger for multi-unit dwellings. For convenience, those are also added as Exhibit N-1 and Exhibit N-2 to the PUDAA.

- *A lighting plan including fixtures, mounting heights, pole heights measured from grade, and photometrics.*

The lighting plans included as Exhibits 2 and 3 to the DRAA contain this information.

- Width and locations of all sidewalks and pedestrian walkways on the infrastructure and site plans.

Per NOIC comment, the site plan identified as Exhibit E-1(1) in the revised PUDAA shows the width of all sidewalks and pedestrian walkways in the EPA Site. Per NOIC comment, the site plan identified as Exhibit N-2 in the revised PUDAA shows the width of all sidewalks and pedestrian ways in the ELF Site.

Please let me know if you have any questions about the information provided. Otherwise, please issue the NOC for Elm Park PUD.

Thanks.

Our Coastal Village, Inc.

By 
K. Layne Morrill, President

Chestnut Management, LLC

By 
K. Layne Morrill, Manager