



PLANNING COMMISSION
 Staff report and recommendation
 for
 PC 24 27 PUD 01
 PC 24 28 SUB 01

PC HEARING DATE: December 17, 2024

PREPARED BY: Jacob Foutz, Planning Manager

I. GENERAL INFORMATION AND FACTS:

Applicant: Our Coastal Village, Inc./Chestnut Management LLC
 PO Box 108
 Yachats, OR 97498-0108

Property Owner: City of Florence
 250 Highway 101
 Florence, OR 97439

Land Use Application Type: Planned Unit Development and Replat

Subject Property Description: The proposed project will be located West of Greenwood Street, North of 9th Street, Assessor’s Map 18-12-27-31, Tax Lots 01100 & 01200.

Zoning Designation: Professional Office/Institutional (POI)

Comprehensive Plan Map Designation: West 9th Street Area

Adjacent Land Use(s):

<i>Adjacent Property</i>	<i>Zoning</i>	<i>Use</i>
<i>North</i>	Professional Office/Institutional	Vacant Land
<i>South</i>	Professional Office/Institutional	Vacant Land
<i>West</i>	Open Space	Undeveloped Elm Park
<i>East</i>	Professional Office/Institutional	Vacant Land

II. NATURE OF REQUEST/APPLICABLE COMPREHENSIVE PLAN AND ZONING ORDINANCE PROVISIONS

The Elm Park Planned Unit Development (PUD) and replat applications propose the consolidation of 20 existing lots in Block 57 into three lots to accommodate a high-density, mixed-use development. The PUD application includes plans for two integrated projects: the Elm Park Apartments (EPA) and the Early Learning Facility (ELF). The replat application supports the creation of these lots to align with current zoning standards and facilitate the cohesive development of affordable housing and childcare facilities on the site. The EPA will occupy two of the proposed lots, while the ELF will be constructed on the third lot, with shared access and infrastructure improvements designed to enhance functionality and connectivity.

The PUD application emphasizes efficient land use, integrating housing and childcare services while preserving open space and providing recreational areas. It includes site-specific modifications, such as reduced setbacks and adjustments to riparian buffers, to accommodate the proposed building placements and ensure compliance with local development standards. The replat application ensures the proposed lot configurations meet all requirements of the zoning code, supporting the unified development envisioned in the PUD. Together, the applications aim to establish a cohesive, well-planned community that aligns with Florence's housing and childcare objectives.

The Elm Park Apartments (EPA) and Early Learning Facility (ELF) projects are integral components of the proposed Elm Park Planned Unit Development (PUD); however, their design, construction, and operational details will be reviewed under separate applications. The current PUD and replat applications focus exclusively on the overall site configuration, land use planning, and lot replating necessary to facilitate these developments, while the individual applications for the EPA and ELF will address specific design and development standards applicable to each project.

Because the Elm Park PUD includes both the EPA and an Early Learning Facility (ELF), the approval process involves a broad range of documents, including the PUD itself, the replat, and various associated improvements. To help manage this extensive record, the applicant has provided the "Elm Park PUD Combined Record" tracker (referred to as "the tracker"), which clearly outlines all submissions, exhibits, and narratives for each component of the development. In order to streamline the review process and simplify reference to exhibits across all applications presented to the Planning Commission, the tracker will serve as the comprehensive document for all applicant submissions. For ease of reference, the tracker is provided below:

**ELM PARK PUD
COMBINED RECORD**

PC 24 27 PUD 01 (PUD)
PC 24 28 SUB 01 (Replat)
AR 24 04 DR 03 (Apartments)
PC 24 38 DR 12 (Early Learning)

<u>Id. No.</u>	<u>Date</u>	<u>Description</u>	<u>Status</u>	<u>Comments</u>
1	6-12-24	<i>Pre-Application</i>	Good	
2	6-12-24	<i>Attachment to Pre-Application</i>	Good	Property details and POI/Comp. Plan HDR.
3	6-12-24	Ex. A Block 47 Legal Description and Plat	Superseded	See No. 16 and No. 17.
4	6-12-24	Ex. B FATCO Property Report	Superseded	See No. 18.
5	6-12-24	Ex. C Topographical Map	Superseded	See No. 19.
6	6-12-24	Ex. D Lane County Property Info.	Good	
7	6-12-24	Ex. E Enhanced Parcel Map	Superseded	See No. 21 and No. 22.
8	6-12-24	Ex. F Colored Site Plan	Superseded	See No. 21 and No. 22.
9	6-12-24	Ex. G Photos of Architectural Style	Superseded	See No. 23.
10	6-12-24	Ex. H Clemow Traffic Study	Good	See No. 26.
11	6-12-24	Ex. I Traffic Calculations	Superseded	See No. 27.
12	6-12-24	Ex. J Dimensioned Site Plan	Superseded	See No. 21 and No. 22.
13	6-12-24	Ex. K Rendered Site Plan	Good	
14	7-31-24	<i>PUD and Replat Application Form</i>	Good	
15	7-31-24	<i>Combined Attachment to PUD/Replat App</i>	Good	
16	7-31-24	Ex. A-1 Parcel Map With Existing 20 Lots	Good	
17	7-31-24	Ex. A-2 Parcel Map with Replat of Three Lots	Superseded	See No. 65 for tent. part. plats No. 1-2.
18	7-31-24	Ex. B Title Reports on EPA Lots and ELF Lot	Good	
19	7-31-24	Ex. C ALTA Survey on EPA Lots and Elf Lot	Superseded	See No. 44.
20	7-31-24	Ex. D Map of North 9 th St. Infra. Project	Superseded	See No. 66.
21	7-31-24	Ex. E-1 EPA Dimensioned Site Plan	Superseded	See No. 32 and No. 34.
22	7-31-24	Ex. E-2 ELF Dimensioned Site Plan	Superseded	See No. 33 and No. 36.
23	7-31-24	Ex. F EPA Preliminary Architectural	Superseded	See No. 34.
24	7-31-24	Ex. G ELF Preliminary Architectural	Superseded	See No. 36.
25	8-9-24	Ex. H Landscape Plan	Superseded	See No. 50 and No. 67.
26	7-31-24	Ex. I Clemow Parking Study	Good	
27	7-31-24	Ex. J Parking Demand Calcs. Clemow Data	Superseded	See No. 52.
28	7-31-24	Ex. K Open Space and Recreational Space	Good	
29	9-1-24	<i>Design Review Application Form</i>	Good	
30	9-1-24	<i>Attachment to Design Review Form</i>	Good	
31	9-1-24	Ex. 1 Block 57 Wetlands Report	Questioned	See No. 78 and No. 79.
32	9-1-24	Ex. 2 EPA Preliminary Engineering	Superseded	See No. 69.
33	9-1-24	Ex. 3 ELF Preliminary Engineering	Superseded	See No. 73.
34	9-1-24	Ex. 4 EPA Preliminary Architectural	Superseded	See No. 70.
35	9-1-24	Ex. 5 EPA Stormwater Report	Superseded	See No. 71.
36	9-1-24	Ex. 6 ELF Preliminary Architectural	Superseded	See No. 74.
37	9-1-24	Ex. 7 ELF Stormwater Report	Superseded	See No. 75.
38	9-16-24	<i>NOIC PUD</i>	Good	
39	9-26-24	<i>Response to NOIC PUD</i>	Good	
40	9-26-24	<i>NOIC Revised Combined Attachment</i>	Good	
41	9-26-24	Ex. A-1 Parcel Map With Exiting Twenty Lot	Good	

<u>Id. No.</u>	<u>Date</u>	<u>Exhibit</u>	<u>Description</u>	<u>Status</u>	<u>Comments</u>
42	9-26-24	Ex. A-2	Parcel Map with Proposed Replat of Three Lots	Superseded	See No. 65 for tentative partition plats.
43	9-26-24	Ex. B	Title Reports on EPA Lots and ELF Lot	Good	
44	9-26-24	Ex. C(1)	ALTA Survey on EPA Lots and Elf Lot (Rev)	Good	Adds wetland setback NW corner.
45	9-26-24	Ex. D	Map of North 9 th Street Infrastructure	Superseded	See No. 66.
46	9-26-24	Ex. E-1(1)	EPA Dimensioned Site Plan (Rev)	Good	
47	9-26-24	Ex. E-2(1)	ELF Dimensioned Site Plan	Good	
48	9-26-24	Ex. F	EPA Preliminary Architectural	Good	
49	9-26-24	Ex. G	ELF Preliminary Architectural	Good	
50	9-26-24	Ex. H(1)	Landscape Plan (Rev)	Superseded	See No. 67.
51	9-26-24	Ex. I	Clemow Parking Demand Study	Good	
52	9-26-24	Ex. J(1)	Parking Demand Calc Clemow Data	Good	
53	9-26-24	Ex. K	Open Space and Recreational Space	Good	
54	9-26-24	Ex. L	Traffic Impact Study (New)	Good	
55	9-26-24	Ex. M	Dept. Env. Qlty LUCS (New)	Good	
56	9-26-24	Ex. N-1	Preliminary Eng. Plans for EPA (New)	Good	
57	9-26-24	Ex. N-2	Preliminary Eng. Plans for ELF (New)	Good	
58	10-18-24		<i>NOIC – Replat Application</i>	Good	
59	10-18-24		<i>NOIC – EPA Design Review</i>	Good	
60	10-21-24		<i>NOIC – ELF Design Review</i>	Good	
61	11-1-24		<i>Response to NOIC – Replat Application</i>	Good	
62	11-1-24		<i>Response to NOIC – EPA Design Review</i>	Good	
63	11-4-24		<i>Response to NOIC – ELF Design Review</i>	Good	
64	11-4-24		<i>Supplemental PUD/Replat Exhibits</i>		
65	11-4-24	Ex. A-2(1)	Tentative Partition Plans	Good	
66	11-4-24	Ex. D(1)	50% Plans for City Infrastructure	Good	
67	11-4-24	Ex. H(2)	Landscape Plans	Good	Changes plants on soaking trenches
68	11-4-24		<i>Supplemental DR Exhibits</i>		
69	11-4-24	Ex. 8	EPA Civil	Good	
70	11-4-24	Ex. 9	EPA Architectural	Good	
71	11-4-24	Ex. 10	EPA Stormwater Report	Good	
72	11-4-24	Ex. 11	EPA Electrical	Good	
73	11-4-24	Ex. 12	ELF Civil	Good	
74	11-4-24	Ex. 13	ELF Architectural	Good	
75	11-4-24	Ex. 14	ELF Stormwater Report	Good	
76	11-4-24	Ex. 15	ELF Electrical	Good	
77	12-6-24		<i>Supplemental PUD Exhibits Regarding Wetlands and SHPO</i>		
78	12-5-24	Ex. O	City Wetlands Report ROWs	Good	Two Wetlands are in City ROW
79	12-5-24	Ex. P	Email Chain 12-5-24 and 12-6-24	Good	City Takes Responsibility for Wetlands Compliance
80	12-4-24	Ex. Q	Letter from SHPO regarding site	Good	
81	12-9-24	Ex. R	Email from Mike Miller regarding 8 ELF parallel parking spaces	Good	Space for parallel spaces is being included in infrastructure plans

PUBLIC COMMENT & REFERRALS

Notice: On November 26, 2024, notice was mailed to surrounding property owners within 300 feet of the property and a sign posted on the property. Notice was published in the Siuslaw News on December 4, and December 11, 2024.

At the time of this report, the city had received no written comments on the application.

Referrals: Referrals were sent to the Department of State Lands, Florence Public Works and Building Departments, Central Lincoln PUD, Siuslaw Valley Fire and Rescue/Western Lane Ambulance, and County Transfer and Recycling.

III. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

The criteria that must be addressed for this request are shown in underlined text, and the responses are shown in standard text. All of the following criteria must be satisfied or conditioned to be satisfied before this request can be approved.

Florence City Code Applicable to this request:

Title 10: Zoning Regulations

Chapter 1: Zoning Administration, Sections 1-4, 1-5, & 1-6-3

Chapter 3: Off-Street Parking, Section 3, 4, 5, 8, 9, & 10

Chapter 7: Special Development Standards, Section 4

Chapter 10: Residential Districts, Sections 2, 4, 5, & 9

Chapter 23: Planned Unit Development, Sections 2, 4, 5, 6, & 11 through 14

Chapter 34: Landscaping, Section 2 through 5

Chapter 35: Access and Circulation, Sections 2 through 3

Chapter 36: Public Facilities, Sections 2 through 9

Chapter 37: Lighting, Sections 2, 3, 4B, & 5R

Title 9: Utilities

Chapter 5: Stormwater Management, Sections 1 through 7

Title 11: Subdivision Regulations

Chapter 3: Subdivision Tentative Plan Procedure

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;...

Findings: The Elm Park Planned Unit Development (PUD) and Subdivision application was initially received on May 2, 2024, with a Notice of Incompletion (NOIC) issued on May 24, 2024. The applicant provided the additional materials necessary to address the NOIC on September 26, 2024, and the application was deemed complete on the same date. The record includes supplemental exhibits and responses provided by the applicant in response to the NOIC, which detail the PUD design, site planning, and compliance with applicable standards. The application has been processed in accordance with the procedures and requirements of FCC Titles 10 and 11, and all required documentation and timelines have been met, ensuring the criteria for completeness, review, and appeal rights are satisfied.

Conclusion: The Elm Park PUD application meets the procedural requirements for land use and development permit applications as prescribed by Florence City Code. The submission and processing timeline comply with FCC standards for Type III (Quasi-Judicial) decisions, and the public hearing was scheduled within the earliest feasible timeframe. Appeal rights are preserved for all eligible parties, ensuring compliance with City Code provisions.

D. Evidence Submittal: Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted at least thirty (30) days prior to the hearing as provided in Subsection 10-1-1-6. (Amd. By Ord. No. 30 Series 1990)

Findings: The applicant has submitted an application for a PUD, tentative subdivision, and accompanying modifications, including associated public works improvement plans and written narratives addressing the applicable approval criteria. The applicant submitted materials relied upon on June 12, 2024, July 31, 2024, and September 26, 2024, with subsequent responses to Notices of Incompletion (NOICs) provided on October 18, 2024, and November 1, 2024. The materials submitted and the responses to the NOICs ensure compliance with the required submission timelines outlined in the applicable code sections.

Conclusion: The applicant has demonstrated compliance with the submission requirements for the Planned Unit Development (PUD) and tentative subdivision application, including accompanying modifications. All necessary materials, such as public works improvement plans and written narratives, were submitted on June 12, 2024, July 31, 2024, and September 26, 2024, with subsequent responses to Notices of Incompletion (NOICs) provided on October 18, 2024, and November 1, 2024. These submissions addressed the applicable approval criteria and adhered to the procedural standards outlined in the City Code. Therefore, the submission requirements for both the PUD and subdivision applications have been satisfied.

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.)

Findings: Consistent with Florence City Code (FCC) 10-1-1-5, the City is required to take final action on land use applications, including any appeals, within 120 days from the date the application is deemed complete, unless the applicant requests an extension in writing. The Elm Park Planned Unit Development (PUD) and Subdivision application was deemed complete on September 26, 2024, following the applicant’s submission of required materials.

The 120-day deadline for the City to take final action on this application is January 24, 2025. The record shows no written requests from the applicant for an extension of this deadline. Therefore, the City is obligated to take final action, including any appeals, by this date to comply with FCC 10-1-1-5.

Conclusion: The Elm Park PUD and Subdivision application was deemed complete on September 26, 2024, and the City is required to take final action by January 24, 2025, unless the applicant requests an extension in writing. This timeline is consistent with the 120-day rule outlined in Florence City Code, ensuring compliance with procedural deadlines.

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

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

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

Findings: The Elm Park Planned Unit Development (PUD) and Subdivision application is a Type III land use matter that necessitates Planning Commission review through a public hearing process. A hearing for this application was scheduled for December 17, 2024, following proper notification to surrounding property owners and compliance with FCC requirements. The application does not include a variance request; however, the associated streets application (PC 24 39 DR 13) addresses related infrastructure elements. The process complies with the requirements for notice, scheduling, and public participation as specified in this section of the Code.

Conclusion: The Elm Park PUD application complies with the Type III review requirements outlined in Florence City Code 10-1-1-6-3. The proposal has been scheduled for a public hearing before the Planning Commission on December 17, 2024, ensuring that all procedural requirements, including public notice and an opportunity for public input, are met. These criteria have been satisfied.

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.

Findings: All notification requirements were met for the Elm Park Planned Unit Development (PUD) and replat applications. Notices were sent to property owners within 300 feet of the subject property on November 26, 2024, more than 20 days before the scheduled public hearing

on December 17, 2024. On the same day, the property was posted with a notice of the hearing. Furthermore, the public hearing notice was published in the Siuslaw News on December 4, 2024, and December 11, 2024, ensuring compliance with publication requirements. This comprehensive notification process aligns with FCC standards and ensures proper notice to the applicant, neighboring property owners, and the general public.

Conclusion: The Elm Park PUD application satisfies the notification requirements for Type III (Quasi-Judicial) hearings as outlined in the Florence City Code. Notices were sent to property owners within 300 feet, posted on the property, and published in a newspaper of general circulation, meeting all procedural standards.

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

F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.

G. Limitations on Refiling of Applications: Where an application has been denied, no new application for the same purpose shall be filed within six (6) months of the date the previous denial became final unless the Planning Commission can show good cause for granting permission to do so.

H. Consolidated Procedures: Whenever possible an application for development such as a Conditional Use, Variance, or other action requiring Planning Commission approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 4, Series 2011)

E. Action by the Planning Commission:

1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.

2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.

3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.

4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the

Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.

Findings: The Planning Commission is scheduled to hold a duly noticed public hearing on December 17, 2024, in accordance with the procedures outlined in code. The hearing will provide an opportunity to consider the Planned Unit Development (PUD) and Replat applications, including evidence relevant to the issues, facts within the record, and any public testimony received. The Planning Commission will review the applications in the context of applicable state laws, Florence City Code criteria, and Comprehensive Plan policies. Through this process, the Planning Commission will determine whether the applications meet the required standards or can be conditioned to do so.

Conclusion: The Planning Commission will conduct the public hearing in compliance with Florence City Code and will review the Elm Park PUD and Replat applications against all applicable state laws, code criteria, and Comprehensive Plan policies. Based on the evidence and testimony provided during the hearing, the Commission will determine if the criteria are met or if conditions are necessary to ensure compliance.

F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.

Findings: For the Elm Park PUD and Replat applications, the City will ensure that notice of the Planning Commission’s decision, including any conditions of approval and appeal rights, will be sent to the applicant and all parties who provided testimony during the public hearing. This process will comply with the requirements for notification and service as outlined in Florence City Code.

Conclusion: The Planning Commission’s decision on the Elm Park PUD and Replat applications will comply with Florence City Code by providing written notice of the action and appeal rights to the applicant and all parties who testified, either in writing or verbally, during the hearing. This notification will be served by mail and deemed complete upon deposit in the United States mail, ensuring adherence to the Code’s procedural requirements.

FLORENCE CITY CODE- TITLE 10: CHAPTER 23 PLANNED UNIT DEVELOPMENT (PUD)

Elm Park PUD Policies Served and Modifications Requested

The Elm Park Planned Unit Development (PUD) advances two critical state and local policies: addressing affordable housing shortages and expanding childcare facilities. Below is an organized breakdown of the applicant’s requests for modifications to existing standards, providing a clear explanation for Planning Commission consideration.

Policies Served

1. Affordable Housing

The Elm Park PUD will deliver 32 affordable rental units designated for families earning at or below 60% of the Area Median Income (AMI).

- **State Policy Alignment:** Governor Kotek has prioritized addressing Oregon’s housing deficit, and state funding initiatives such as OHCS’s \$350 million affordable housing plan underscore the need for developments like Elm Park.
- **Local Need:** A Colliers International market study confirms ongoing demand for affordable housing in Florence, even after recent developments added 92 units to the market.

2. Childcare Facilities

Florence is a childcare desert with a significant unmet demand for early learning services.

- **Proposed Early Learning Facility (ELF):** The ELF will include four classrooms, accommodating up to 80 children, with two classrooms operated by Head Start and two subleased to community providers. All classrooms will also support after-school programs.
 - **State Funding Support:** The project aligns with legislative priorities, including the Build Up Oregon program and the Childcare Infrastructure Fund (CCIF), from which the applicant is pursuing funding.
-

Modifications Requested

1. Setback Reductions

The applicant requests a modification to reduce front and street side yards from 20 feet to 10 feet, permitting an additional 9,000 square feet for dwelling units. The applicant notes that the remaining setback exceeds the 5-foot front, side, and rear yard setbacks allowed in the High-Density Residential District (FCC 10-10-4-D). In some areas of the Elm Park Apartments (EPA) and Early Learning Facility (ELF), setbacks exceed 10 feet to accommodate specific site features, such as drainage channels and rain gardens. For example, the north side yard is 19 feet 9 inches from the north property line, and the west yard is 12 feet. This request is documented in the applicant's written narrative dated September 26, 2024 (item #40 of the record).

2. Building Orientation

The applicant seeks a modification to building orientation standards for multi-unit dwellings under FCC 10-10-9-A. Buildings B, D, and E, which qualify as multi-unit dwellings, are arranged end-to-end with a minimum separation of 10 feet. The applicant argues that these buildings are oriented end-to-end because they are not face-to-face; the ends of the east-west multi-unit dwelling align with the end of the front wall of the north-south multi-unit dwellings.

Buildings A and C, containing only four units each, do not qualify as multi-unit dwellings under FCC 10-10-9. Further details are included in the applicant's narrative dated September 26, 2024 (item #40 of the record).

3. Wall Heights

The applicant requests modifications to the height limits for walls and fences, detailed as follows:

- **Lot 1:**
 - Front Yard: 4 feet in height from the alley to a point opposite the south wall of Building C, increasing to 6-8 feet extending to the northern lot line.
 - North Side Yard: 6-8 feet.
 - Western Rear Yard: 6-8 feet, except for the section between the southern wall of Building A and the alley, which would be limited to 4 feet.

- **Lot 2:**
 - Front Yard: 4 feet from the alley to the north wall of Building D, increasing to 6-8 feet from the north wall to the southern lot line.
 - South Side Yard: 6-8 feet.
 - Eastern Rear Yard: 6-8 feet.

- **Lot 3:**
 - Front Yard (eastern lot line): 4 feet.
These requests are outlined in the applicant's written narrative dated September 26, 2024 (item #40 of the record).

4. Open Space Reduction

The applicant seeks a modification to reduce the required open space percentage from 20% to 15.9% for the EPA. This reduction is offset by the inclusion of enhanced recreational amenities, including a playground, community garden, and a community room, which exceed the recreational requirements of the Florence City Code. The applicant asserts that these amenities compensate for the reduction in open space while maintaining compliance with the broader PUD's open space and landscaping objectives. Further justification is included in the applicant's written narrative dated September 26, 2024 (item #40 of the record).

5. Buffering and Screening

The applicant requests approval for buffering and screening between the ELF and Apartment Building E. The buffer consists of a 12-foot one-way drive lane, a 5-foot sidewalk, and a 6-foot wood fence west of the sidewalk, as shown on Exhibit E-1(1). The applicant also seeks approval to substitute a 6-foot Escallonia hedge for the wood fence without further authorization.

Additional details are provided in the applicant's narrative dated September 26, 2024 (item #40 of the record).

6. Riparian Buffer

The applicant seeks approval for the proposed locations of Buildings A and B as shown in Exhibit E-1(1), requesting a modification to the 65-foot riparian buffer. The applicant cites the exempt public facilities Infrastructure Project as creating a barrier that prevents adverse effects on the riparian buffer. Further justification is included in the applicant's written narrative dated September 26, 2024 (item #40 of the record).

7. Parking Reduction

The applicant requests a modification to reduce the required parking spaces for the EPA from 50 to 41. This reduction is supported by a parking demand analysis and justified under FCC 10-3-3(C), including transit-related factors. A condition of approval will ensure that transit tickets provided by the applicant are available to all residents of the PUD, not solely those commuting.

PUD Standards Met

The Elm Park PUD satisfies all applicable modification standards under FCC 10-23-5, including:

1. **High-Quality Design:** The buildings utilize architectural standards consistent with Old Town and Main Street design guidelines and are reviewed under PC 24 38 DR 12 & AR 24 04 DR 03.
2. **Recreational Space:** The PUD provides 7,085 square feet of recreation space, exceeding the 3,200 square feet required.
3. **Active and Passive Amenities:** Features include a playground, grass area, gardening space, community room, and art area for residents.
4. **Mix of Uses:** The PUD combines residential units, a childcare facility, and recreational spaces.
5. **Riparian Protection:** The public facilities project protects the 122.5 square feet of significant riparian area on-site.

Planning Commission Considerations

The applicant requests the Planning Commission to:

1. Approve the seven requested modifications to yard setbacks, building separation, wall heights, screening, and riparian buffer adjustments.

2. Recognize the policy significance of this project in advancing affordable housing and childcare objectives.
3. Ensure that the modifications align with the PUD's commitment to high-quality design and community benefit.

Conclusion: The Elm Park PUD delivers substantial public benefits, including much-needed affordable housing and childcare services, while maintaining compliance with key planning standards. The requested modifications enhance design flexibility and site efficiency without compromising safety, functionality, or environmental protection. Approval of these modifications is recommended.

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

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

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

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

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

Findings: The above definitions establish clear parameters for evaluating projects under this chapter. They ensure consistent interpretation of terms such as Common Improvements, Net Development Area, Public Improvements, and Planned Unit Development, which are essential for assessing ownership, land use, public benefits, and flexibility in design standards.

Conclusion: These definitions will be applied to ensure the project aligns with the City's development objectives and zoning regulations.

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

B. The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.

Findings: The surrounding lands are predominantly zoned Professional Office/Institutional, with the land to the west designated as open space. The proposed development has been evaluated to ensure compatibility with the intended character of the Professional Office/Institutional zoning

while also maintaining a harmonious relationship with the adjacent open space through thoughtful design and placement.

Conclusion: The project meets the standard by ensuring its location, design, and size are compatible with the Professional Office/Institutional zoning to the north, east, and south and the open space to the west.

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

Findings: The proposed development is supported by a separate application from the City of Florence Public Works Director to construct the public rights-of-way for Fir Street (between 9th and 12th Streets), Greenwood Street (between 11th and 12th Streets), 10th Street (between Greenwood and Fir Streets), and 11th Street (between Hemlock and Fir Streets). These improvements will bring the streets up to the City of Florence's local street standards, including installing essential utilities such as water, wastewater, power, telecommunications, curbs, and gutters. This infrastructure will enhance traffic flow and ensure the streets can safely accommodate the traffic generated by the proposed project.

Conclusion: The proposed project complies with the standard by ensuring that traffic generated will be accommodated safely and without congestion. The concurrent infrastructure improvements to the surrounding rights-of-way will provide the necessary capacity and support for safe and efficient traffic management, meeting the City of Florence's requirements for local street standards. [A condition of approval will be added that makes this application null and void without the approval of PC 24 39 DR 13\(COA#10\).](#)

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

Findings: The location, design, size, and proposed land uses of the project ensure that residents or establishments will be adequately served by utilities and services. Existing utilities, combined with planned improvements to surrounding streets, including water, wastewater, power, telecommunications, and stormwater facilities, provide sufficient capacity to support the development.

Conclusion: The project satisfies the criteria by demonstrating that it will be adequately served by existing and planned utilities and services. The concurrent infrastructure upgrades ensure that the needs of the development's residents or establishments will be met in alignment with City standards.

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

Findings: The location, design, size, and proposed uses of the project ensure the creation of an attractive, healthful, efficient, and stable environment. The development incorporates quality materials, thoughtful design, and compliance with City standards, which contribute to the aesthetic and functional value of the area while promoting environmental sustainability and efficiency.

Conclusion: The project satisfies the criteria by demonstrating that its location, design, size, and uses will create a visually appealing and sustainable environment. The development aligns with City goals for a healthful, efficient, and stable community.

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.

Findings: The proposed development is located on a 1.47-acre parcel (Block 57), which meets the reduced one-acre minimum area requirement for Planned Unit Developments (PUDs) in the Professional Office/Institutional (POI) District, as specified in FCC 10-25-4-C.2. The applicant asserts that Block 57 qualifies for the exception to the standard two-acre minimum due to its unique character as the first high-density residential project in the West 9th Street Planning Area and its potential to serve as an example for future developments. Additionally, the applicant claims that Block 57 meets the criteria for a special problem area by virtue of its distinct role in shaping the district's development character.

Conclusion: The proposed development satisfies the one-acre minimum size requirement for PUDs within the POI District and qualifies for consideration of an exception to the two-acre minimum.

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.

Findings: The applicant has requested a **modification** of the standard front and street-side yard setbacks as part of the proposed Planned Unit Development (PUD). Specifically, the applicant proposes reducing the front and street-side yards from 20 feet to 10 feet, which would add approximately 9,000 square feet for dwelling units. This modification exceeds the minimum 5-foot front, side, and rear yard setbacks allowed in the High-Density Residential District (FCC 10-10-4-D). Additionally, the proposal incorporates larger setbacks where necessary to address site constraints, including a 19-foot, 9-inch north side yard to accommodate a drainage channel and rain gardens and a 12-foot setback from the west property line.

The requested setback reduction aligns with FCC 10-25-40-D(3), which permits zero-lot-line developments as part of a PUD under Chapter 23 of the Florence City Code. The applicant's

proposal demonstrates the flexibility inherent in PUDs by balancing reduced yard sizes with functional site design, environmental sensitivity, and aesthetic considerations, such as varying setbacks across the site.

Conclusion: The proposed reduction of front and street-side yard setbacks from 20 feet to 10 feet complies with the provisions of FCC 10-25-40-D(3), which allows for zero-lot-line developments as part of a PUD. The modification optimizes land use while maintaining functionality and aesthetics, particularly in areas where larger setbacks are needed for drainage and environmental features. The Planning Commission may find that the applicant's **modification** proposal adheres to the goals of the PUD regulations and supports the creation of a well-designed, efficient development.

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 unit 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)

Findings: The proposed Planned Unit Development (PUD) provides 41 parking spaces based on a parking demand analysis, reduced from the 50 required by Table 10-3-1. The **modification** is supported by the site's walkability, proximity to the Rhody Express transit route, and measures to promote transit use, such as providing bus tickets and improving a nearby bus shelter. The PUD also includes two accessible parking spaces and long-term covered bicycle parking, meeting FCC 10-3-5 standards for multifamily use. Grouping of parking spaces is proposed to ensure accessibility and utility for residents and visitors.

Conclusion: The proposed parking plan meets the intent of FCC 10-3 by providing adequate parking through a performance-based approach tailored to the development's needs. Parking requirements and demand will be discussed in more detail under FCC 10-3.

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

Findings: The proposed Planned Unit Development (PUD) complies with the above code, requiring all utility facilities to be underground. The applicant has confirmed that all on-site utilities will be underground, including electrical, telephone, cable television, fire alarm, and street lighting conduits. Additionally, the surrounding utilities to be constructed by the city as part of its infrastructure project will also be placed underground, ensuring consistency with the City's development standards.

Conclusion: The proposed development meets the standard for underground utilities by ensuring that all on-site utility infrastructure and surrounding utility upgrades conducted by the City will be placed underground. This approach aligns with City requirements and contributes to a clean, unobstructed streetscape.

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

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

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

- Indoor or outdoor recreation area
- Play fields or outdoor playgrounds
- Indoor or outdoor sports courts
- Swimming pools
- Walking or running fitness courses
- Pedestrian and bicycle amenities meeting park industry durability standards
- Other recreational amenities determined by Planning Commission to fulfill the purpose of this Chapter.

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

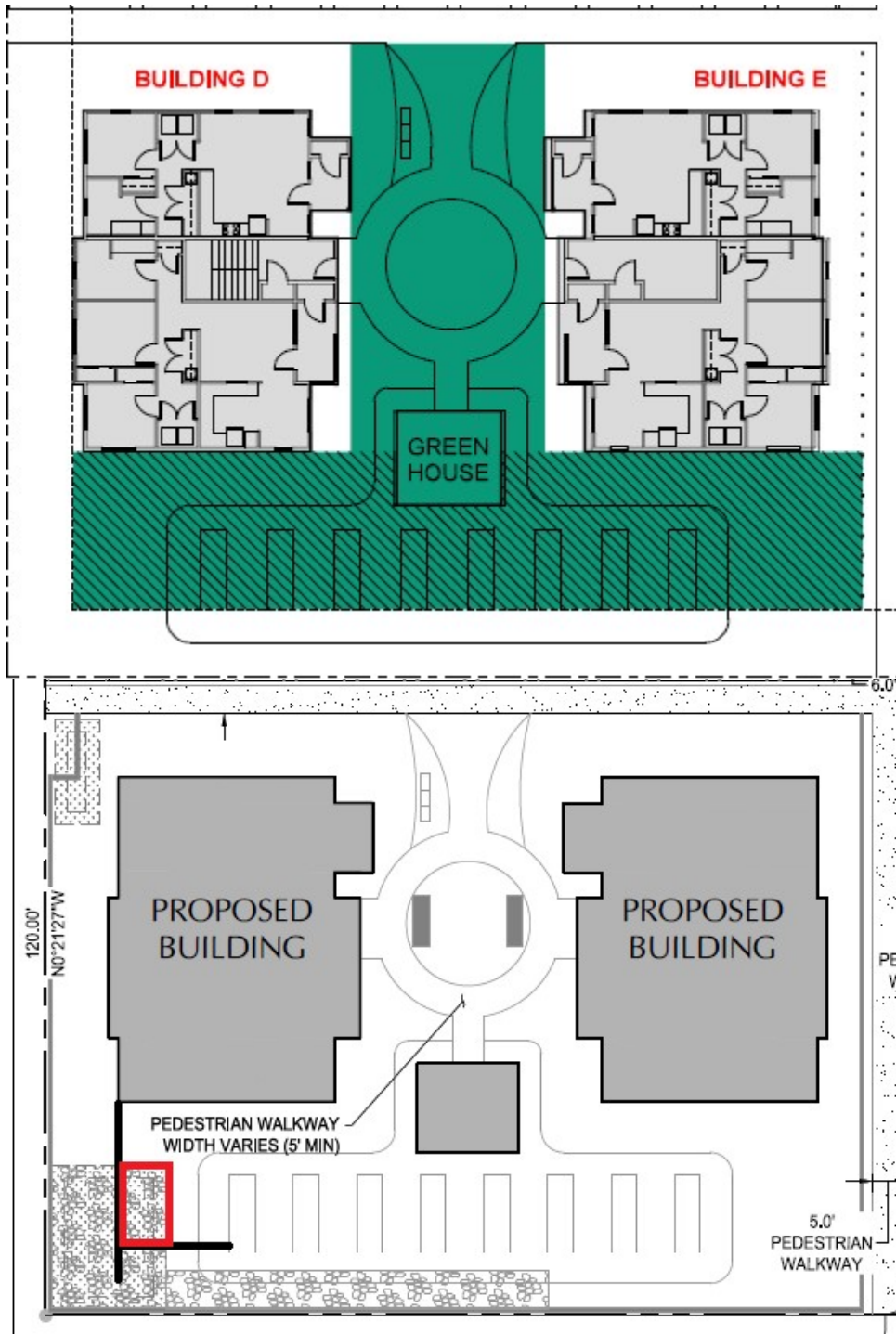
Findings: The applicant states in their narrative that each entity will be responsible for maintaining, repairing, and replacing its common areas/open spaces. The proposed Planned Unit Development (PUD) is required to provide a minimum of 20% of the net development area as open space, with at least 25% of that space designated and intended for recreational use. Based on a net development area of 63,990 square feet, this standard requires a minimum of 12,798 square feet of open space, of which 3,200 square feet must be designated for recreation.

The applicant proposes 10,185 square feet of open space, meeting 15.9% of the net development area, and designates 7,085 square feet for recreational use. While the open space area is below the required 20% (**Modification**), the recreational area exceeds the 25% minimum by providing 221.4% of the required space.

The proposed recreational areas include a garden area with a greenhouse and raised beds where residents can participate in a gardening program overseen by a Florence master gardener, an

adjacent lawn area, a playground for small children, and an adjacent community room with a large covered porch facing the playground.

It should be noted that at the corner of the development where 10th Street and Fir Street meet, there is a conflict with the open space/recreation (exhibit K) and stormwater facilities (exhibit N-1). This is illustrated below. [A condition of approval will be added to ensure that open space and stormwater do not overlap.](#) (COA#1)



Elm Park is identified in the Florence Parks and Recreation Master Plan (2011) as a low-priority park intended to serve the 9th Street Planning Area. The applicant’s commitment to supporting Elm Park aligns with the Plan’s goals and addresses local recreational needs.

Conclusion: The proposed PUD meets the intent of FCC 10-25-4-E by providing on-site open and recreational spaces, with recreational areas exceeding the required standard. The plan ensures

compliance with the recreational needs identified in the Florence Parks and Recreation Master Plan and provides high-quality, accessible amenities for residents and the broader community.

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.

Findings: The applicant has not proposed any natural features to be preserved and proposed improvements of a garden area with a greenhouse and raised beds where residents can participate in a gardening program overseen by a Florence master gardener, an adjacent lawn area, a playground for small children, and an adjacent community room with a large covered porch facing the playground are all permitted uses appropriate to the use.

Conclusion: The proposed open space improvements, including a garden area with a greenhouse and raised beds, an adjacent lawn area, a playground for small children, and a community room with a large covered porch, align with the requirements for suitable improvements under the Planned Unit Development criteria. As no natural features have been identified for preservation, the proposed enhancements effectively utilize the common open space for recreational and community purposes, supporting the intended use and meeting the standards for permitted uses in these areas.

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.

Findings: The applicant has stated that the Elm Park Apartments (EPA) and Early Learning Facility (ELF) are not phased projects. The proposed development schedule indicates that the common areas and open spaces will be constructed simultaneously with the associated buildings. Specifically, the EPA and its corresponding open space improvements are scheduled to begin construction in April 2025 and be completed by April 2026. Construction of the ELF is anticipated to commence in July 2025 and conclude by June 2026. This coordinated schedule ensures that the open space improvements are developed in tandem with the residential and childcare facilities, meeting the standard for integrating open space improvements with the construction of associated structures.

Conclusion: The proposed development schedule complies with the requirement to coordinate the improvement of open spaces and the construction of buildings within the Planned Unit Development. By constructing the open spaces simultaneously with the residential and childcare facilities, the project ensures the timely delivery of shared community amenities in alignment with the overall development plan.

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.

Findings: The applicant has proposed several improvements in the open space, including a garden area with a greenhouse and raised beds, an adjacent lawn area, a playground for small children, and a community room with a covered porch. While staff has not identified the need for a bond or other assurances to guarantee the completion of these improvements, the Planning Commission may find it appropriate to require such assurances to ensure these elements are constructed as proposed in the development plan. Should the Planning Commission determine the need for a bond or similar assurance, the City Council would oversee the release of these assurances upon verification that the buildings, structures, and improvements have been completed in compliance with the approved development plan.

Conclusion: The proposed improvements to the open space align with the development plan and contribute significantly to the functionality and quality of the Elm Park PUD. While no assurances are currently recommended by staff, the Planning Commission may determine that a bond or other assurance is warranted to ensure the timely and complete construction of these improvements. If required, the City Council will release the assurances upon confirmation of compliance with the approved plans.

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

- a. Hillsides over five (5) percent slope; (Ord. No. 7, Series, 2019)
- b. Land in the floodway, floodplain, or required riparian or wetland buffer, unless trails, benches, picnic tables and similar above are incorporated;
- c. Roadside ditches;
- d. Monument entry areas and central landscaped boulevards;
- e. Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events;
- f. Parking areas and road rights-of-way that are located within the parkland, open space, or common area, except for parking that is required specifically for use of the parkland;
- g. Yards, court areas, setbacks, or other open areas required by the zoning and building ordinances and regulations shall not be included in the computation.

Findings: The applicant has not proposed any recreational areas within the following locations deemed unacceptable under the Florence City Code (FCC) for required PUD recreation areas: hillsides with slopes exceeding 5%, land in the floodway or floodplain, required riparian or wetland buffers, roadside ditches, monument entry areas, central landscaped boulevards, or stormwater retention or detention ponds. Additionally, no proposed recreational areas are located within parking areas, road rights-of-way, or setbacks, yards, or court areas required by zoning and building ordinances. The proposed recreation spaces, including a garden with a greenhouse, a playground, a lawn, and a community room with a covered porch, are situated on land compliant with FCC standards and are intended for active and passive recreational use.

Conclusion: The proposed recreational areas meet the standards outlined in the Florence City Code by avoiding locations explicitly excluded from inclusion in required PUD recreation areas. The development appropriately situates recreational features within allowable and functional spaces, ensuring compliance with the code and enhancing the overall quality and usability of the open space within the PUD.

5. A portion not to exceed 50% of open space and recreation area requirements may be met with a fee-in-lieu if the proposed PUD is within one quarter (1/4) mile of underdeveloped parkland as measured on public rights-of-way with reasonable pedestrian and bicycle connections to the parkland. The fee for open space shall be calculated by multiplying the sq. ft. of open space area being met with fee-in-lieu multiplied by the average square foot value of abutting real property as shown on the current Lane County assessment roll, less a percentage for easement retained for public use. The fee for recreation area will include the open space methodology and additional fee for improvements planned for the underdeveloped parkland as identified in the Florence Parks and Recreation Master Plan or in a City Council approved community park plan for that park.

Findings: The City's undeveloped Elm Park, located directly across Fir Street and less than 100 feet from the proposed PUD, is intended to help address the recreational and open space needs of the community, including those arising from the proposed development. To address the 2,613-square-foot deficit in open space within the Elm Park PUD, the applicant proposes a fee-in-lieu contribution.

The applicant calculated the fee-in-lieu based on the 2023 Real Market Value (RMV) of the subject property, resulting in a rate of \$1.95 per square foot and a total land fee of \$5,095 (2,613 square feet x \$1.95). However, Florence City Code requires the fee-in-lieu calculation to reflect the RMV of *abutting properties*. Staff determined that the 2024 RMV of abutting properties is \$3.23 per square foot, resulting in a total land fee of \$8,439 (2,613 square feet x \$3.23). An image has been provided to illustrate staff's calculations for further reference.

In addition to the land fee, the applicant proposes a \$40,000 improvement fee for recreational amenities at Elm Park, such as a picnic shelter and basketball court. These improvements would enhance the park's usability for nearby residents, including those of the PUD. Together, the total fee-in-lieu contribution would amount to \$48,439, based on staff's calculation of the land fee and the proposed improvement fee.



Conclusion: The proposed fee-in-lieu contribution appropriately addresses the open space deficit while supporting the enhancement of nearby Elm Park.

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

Findings: The applicant has identified 112.5 square feet of the RAIR-B significant riparian area within the Elm Park Planned Unit Development (PUD) and has proposed reliance on the City’s Infrastructure Plan, under streets application PC 24 39 DR 13, to provide protective measures for this resource. Specifically, the Infrastructure Plan is expected to establish a barrier to safeguard the riparian area from potential impacts caused by the Elm Park Apartments (EPA). Compliance with this standard is contingent upon the Planning Commission’s approval of the street application. Without this approval, it remains uncertain whether the required measures to protect the riparian area will be implemented as proposed.

Conclusion: The preservation of the RAIR-B riparian area as part of the Elm Park PUD appears to satisfy the requirement to protect significant natural resources, provided the measures outlined in

the streets application PC 24 39 DR 13 are approved and implemented. Until the Planning Commission rules on the street application, compliance with this standard cannot be definitively determined. The Planning Commission's decision on the associated infrastructure improvements will be critical to ensuring the riparian area is adequately protected in accordance with FCC requirements.

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

Findings: The Elm Park Planned Unit Development (PUD) incorporates a mix of uses, unit types, and densities consistent with the requirements of the base zone. The applicant has proposed one-, two-, and three-bedroom units, offering a variety of dwelling types within the residential component. Lot 1 has a higher coverage ratio of 40.5% compared to Lot 2's 28.5%, demonstrating variability in density across the site. Additionally, the Early Learning Facility (ELF) provides a commercial component, further diversifying land uses within the PUD. Recreational uses are integrated through features such as open spaces, a playground, a garden with a greenhouse, and a community room. The inclusion of a complementary color palette with changes at wall articulations enhances the visual distinction between unit types, further supporting the mix of uses and unit appearances.

Conclusion: The Elm Park PUD satisfies the requirement to incorporate a mix of dwelling unit types, densities, and uses consistent with the base zone. By integrating residential, commercial, and recreational uses within the development, the proposal promotes a balanced and diverse community. The proposed mix aligns with the intent of the zoning district and meets the standards for planned unit developments.

H. The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance of adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:

1. High quality building design using of Old Town and Mainstreet Architectural Standards or higher standard.
2. Incorporation of unique land forms into the final PUD design
3. More recreation space than the minimum required.
4. On-site amenities reflecting the value for both active and passive recreational facilities.
5. Natural resource protection, where identified as part of a preliminary site investigation report.
6. A mix of dwelling unit types and densities.
7. A mix of residential, commercial, and recreational uses, where zoning permits.

Findings: The Elm Park Planned Unit Development (PUD) complies with the majority of development standards for the underlying zoning district, including height, density, and lot area, as

demonstrated in the applicant's narrative. While there are no explicit building coverage standards for the Professional Office/Institutional (POI) zone or FCC 10-10-9, the proposed building coverage remains below the former PUD limit of 50%. The applicant has requested modifications to certain standards, including setbacks, significant riparian area buffers, building separation, buffering, and wall heights. These modifications have been submitted in alignment with the flexibility allowed under FCC 10-5 and include supporting justifications for meeting the criteria outlined for PUD modifications.

The applicant has demonstrated how the modifications meet the required criteria:

1. **High-Quality Design:** The proposed architectural features incorporate complementary colors, wall articulations, and variation in rooflines, aligning with or exceeding Old Town and Mainstreet Architectural Standards.
2. **Unique Land Forms:** While no unique landforms are incorporated, the design acknowledges and integrates site conditions, including riparian areas.
3. **Recreation Space:** The PUD exceeds the minimum recreational space requirement, providing active and passive amenities such as a playground, a garden, and a community room.
4. **On-Site Amenities:** Proposed active and passive recreational features enhance the site's usability for residents and align with community goals.
5. **Natural Resource Protection:** Measures to protect the RAIR-B riparian area are contingent on approval of the associated Infrastructure Plan under PC 24 39 DR 13, demonstrating the commitment to natural resource protection.
6. **Dwelling Mix:** A variety of unit types (one-, two-, and three-bedroom) and densities are included, meeting the requirement for mixed residential options.
7. **Mixed Uses:** The PUD integrates residential, commercial (Early Learning Facility), and recreational uses, consistent with zoning allowances.

Conclusion: The Elm Park PUD meets the development standards of the underlying zoning district while appropriately proposing modifications to achieve a higher quality and more cohesive design. The modifications align and demonstrate compliance with the criteria for flexibility in PUD standards. The proposed project incorporates high-quality building design, recreation spaces, diverse amenities, and a mix of uses while addressing natural resource protection. The requested modifications enhance the overall functionality and design of the development and ensure alignment with Florence's zoning and community development goals.

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

A. Easement necessary to accommodate existing or proposed public utilities.

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

Findings: The Elm Park Planned Unit Development (PUD) proposes that the individual organizations occupying the development will handle the management and maintenance of common open spaces, recreation facilities, and associated amenities. Specifically, the Early Learning Facility (ELF) and the Elm Park Apartments (EPA) will each assume responsibility for maintaining the portions of open space and recreational facilities associated with their respective uses. This arrangement ensures that maintenance obligations are directly tied to the entities benefiting from and utilizing these spaces, aligning with the intent of FCC 10-23-6.

While no formal association of owners or tenants is proposed, the approach outlined by the applicant allows for clear delineation of maintenance responsibilities, as the organizations involved will oversee the upkeep, repair, insurance, and related obligations of the spaces under their use. This arrangement satisfies the requirement for the continuing care of open space and recreational areas necessary for the development's residents, patrons, and employees.

Conclusion: The Elm Park PUD complies with the dedication and maintenance standards outlined in FCC 10-23-6 by proposing a management structure where the individual organizations occupying the development assume responsibility for open space and recreation area maintenance. This approach ensures that these areas are properly cared for without the need for a central owners' or tenants' association. Final approval may include conditions to formalize these maintenance agreements, ensuring long-term compliance with FCC requirements.

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

1. Within one year following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final form the information required in the preliminary plan. The Planning Commission may grant a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- a. The request for an extension is made in writing prior to the expiration of the original approval.

b. There are special or unusual circumstances that exist which warrant an extension.

c. No material changes of surrounding land uses or zoning has occurred.

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

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.

e. Open Space and Parklands to be dedicated to the public or held in Homeowner Association ownership. (Ord. No. 2, Series 2011)

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.

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.

Findings: The criteria outlined in Florence City Code (FCC) 10-23-11, which govern the approval of the final development plan, are not applicable to the current preliminary PUD and replat applications. The applicant is not yet required to submit final development plans, as these will be addressed during the final plat approval process. The code requires the applicant to submit a final development plan within one year of the preliminary approval or to request a one-time extension based on specific criteria if necessary.

The final development plan will include detailed plans for storm drainage, sewer and water utilities, streets and pedestrian pathways, subdivision plans, and provisions for open space and parklands. Additionally, plans for public improvements must be prepared by a Registered Engineer and approved by City staff prior to Planning Commission review. If material deviations from the preliminary development plan are identified during this process, an amendment application will be required and reviewed according to FCC standards.

Conclusion: The requirements of FCC 10-23-11 are not applicable to the current application but will be addressed during the final plat approval stage. At that time, the applicant will be required to submit a final development plan in accordance with the criteria outlined in the code, including any necessary plans for public improvements and utility services. Compliance with this section will be evaluated during the final approval process, ensuring alignment with the standards of the Planned Unit Development.

10-23-12: ADHERENCE TO APPROVED PLAN: The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

1. The use of the land and the construction, modification or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.
2. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in condition that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.
3. No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the planned unit development.

Findings: Florence City Code (FCC) 10-23-12 establishes the requirement that the approved final development plan govern the use, construction, and modification of all buildings and structures within the planned unit development (PUD) after its completion. While this criterion does not apply to the current preliminary PUD and replat applications, the architectural and open space proposals approved under these findings will become binding components of the final development plan. These proposals, once adopted, will remain enforceable in perpetuity unless formally revised through a process initiated by the Homeowner Association (HOA) or equivalent responsible entity and approved by the Planning Commission.

Any future amendments to the PUD must demonstrate that the changes are necessary for the continued success of the development, are appropriate due to changed conditions, or reflect updates to community development policies as articulated in the comprehensive plan or land use regulations. Amendments must be reviewed and approved by the Planning Commission and do not waive covenants or restrictions limiting the use of land, buildings, or improvements within the PUD.

Conclusion: The adherence to the approved final development plan as outlined in FCC 10-23-12 ensures the integrity and consistency of the Elm Park PUD over time. Although this standard is not currently applicable, the architectural and open space decisions established in these findings will govern the PUD and must be adhered to in perpetuity unless formally revised and approved. This requirement safeguards the long-term viability and compliance of the development with the original intent and applicable standards.

10-23-13: GUARANTEE OF PERFORMANCE: For public improvements, the City may require that a cash deposit, surety bond or other similar guarantee be posted to insure the full and faithful performance by the parties involved, not to exceed a period of two years after required improvements are completed.

Findings: If the applicant requests a final plat signing before the completion and installation of all public improvements, a bond or similar guarantee will be required. This guarantee will ensure that any outstanding improvements, such as streets, utilities, or pedestrian pathways, are completed to the satisfaction of the City within a designated timeframe. The guarantee may

remain in effect for up to two years following the completion of the required improvements, providing additional assurance for the proper execution and maintenance of these facilities.

Conclusion: If the applicant requests final plat approval before completing the installation of all public improvements, the City will require a cash deposit, surety bond, or similar guarantee to ensure the timely and satisfactory completion of these improvements. This provision ensures that the City and the community are protected, and the development proceeds in alignment with approved plans.

10-23-14: EXPIRATION OF APPROVAL FOR A PUD:

- A. If the PUD includes creation of a subdivision, and approval of the subdivision has expired or is rejected as provided in Chapter 11-4 of this Code, the PUD approval is revoked as of the expiration or rejection date for the proposed subdivision.
- 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 18 months 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 18 months.

Findings: The applicant is required to complete the final subdivision plat within 18 months of approval unless an extension is requested and granted by the City in accordance with FCC Chapter 11-4. If an extension is sought for the subdivision, the applicant should also request an extension of the PUD approval for an additional 18 months to ensure alignment between the two processes. Failure to meet these timelines will result in the expiration of the PUD approval.

Additionally, if substantial construction or development of the PUD has not occurred within 18 months of the approval date, the PUD approval will lapse unless the Planning Commission grants an extension upon a demonstration of good cause by the applicant. This safeguard ensures that approved developments proceed within a reasonable timeframe while providing flexibility for unforeseen delays.

Conclusion: The applicant must complete the subdivision plat within 18 months of approval or request an extension to maintain compliance. Similarly, the applicant must demonstrate substantial construction progress or seek an extension for the PUD if delays occur. The Planning Commission has the authority to grant an 18-month extension upon good cause, providing a mechanism to balance timely development with flexibility for the applicant. These measures ensure that the PUD approval remains valid and enforceable, supporting orderly and timely development.

Title 10 CHAPTER 3 OFF-STREET PARKING AND LOADING:

10-3-3: MINIMUM STANDARDS BY USE: The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is

similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

Findings: Florence City Code (FCC) 10-3-3 requires the number of off-street parking spaces to be determined in accordance with Table 10-3-1 for multifamily residential uses. Based on the unit mix in the Elm Park Apartments (EPA), the minimum required parking is as follows:

- 6 one-bedroom units: 1 space per unit = 6 spaces.
- 16 two-bedroom units: 1.5 spaces per unit = 24 spaces.
- 10 three-bedroom units: 2 spaces per unit = 20 spaces.

This results in a total requirement of 50 off-street parking spaces for the EPA under Table 10-3-1.

The applicant proposes providing 41 off-street parking spaces for the EPA, which is fewer than the minimum required under Table 10-3-1. The reduced parking provision is supported by the site's walkability, a 10% transit discount under FCC 10-3-3-C.1 due to proximity to transit services, and a parking demand analysis, which concludes that 41 spaces will adequately meet the needs of the development. The proposed parking includes the required two accessible spaces per Table 10-3-2 and 12 long-term covered bicycle parking spaces, exceeding the required 11 spaces under FCC 10-3-10-C. Screening is not required for parking spaces facing the ELF site as it is for nonresidential use (FCC 10-3-8-D).

For the Early Learning Facility (ELF), Table 10-3-1 requires one parking space per 500 square feet of building area. At 5,500 square feet, the ELF requires 11 parking spaces. The applicant proposes 11 spaces, including one accessible space and eight on-street spaces that comply with FCC 10-3-3-B, as well as two spaces accessed from the one-way lane. Additionally, the ELF provides two short-term bicycle spaces, exceeding the one space required under FCC 10-3-10-B.

Conclusion: The Elm Park PUD proposes a total of 41 off-street parking spaces for the EPA, which is less than the 50 spaces required under FCC 10-3-3 and Table 10-3-1. However, the reduced parking provision is supported by the site's walkability, transit accessibility, and a parking demand analysis. The ELF meets the parking requirements with 11 spaces, including one accessible space and adequate bicycle parking. The applicant's parking plan aligns with the intent of FCC 10-3-3 by demonstrating that the proposed parking is sufficient to meet the needs of the development. Final approval of the reduced parking for the EPA is contingent upon the Planning Commission's review and acceptance of the applicant's justification.

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

Findings: Parking in driveways is not proposed and does not count toward the minimum required parking for multifamily developments such as the Elm Park Apartments (EPA). Based on this standard, the applicant proposes 41 off-street parking spaces within a parking lot for the EPA, which can be fully counted toward the minimum parking requirement.

Conclusion: The proposed parking for the Elm Park PUD complies with FCC 10-3-3(A) by utilizing parking areas that are fully eligible to count toward the minimum parking requirements. The EPA provides 41 parking spaces in a parking lot, and the ELF provides 11 spaces through a combination of on-site and on-street parking, including accessible spaces. The parking plan adheres to the intent of the code, ensuring that parking needs are met without reliance on driveway spaces. Final approval of the parking plan is contingent on the Planning Commission's acceptance of the parking reductions supported by the applicant's justification.

B. For non-residential uses where parking is available on-street, this parking shall count towards the minimum number of required parking spaces along all street frontages of the building where parking is available. Only useable spaces (i.e. those not blocking fire hydrants, mailboxes, etc.) shall count towards the minimum required number of parking spaces.

Findings: Florence City Code (FCC) 10-3-3(B) allows on-street parking to count toward the minimum required parking spaces for non-residential uses, provided the spaces are usable and located along the street frontages of the building. For the Early Learning Facility (ELF) within the Elm Park PUD, the applicant has proposed eight (8) parallel parking stalls on 10th Street and Greenwood Street. These on-street spaces meet the criteria for useable parking as they do not block fire hydrants, mailboxes, or other obstructions.

In addition to the on-street spaces, the ELF provides three on-site parking spaces, including one accessible space, which, combined with the eight on-street spaces, meets the minimum requirement of 11 parking spaces for the 5,500-square-foot ELF.

Conclusion: The parking plan for the ELF complies with FCC 10-3-3(B) by incorporating eight usable on-street parking spaces along 10th Street and Greenwood Street into the minimum parking count. Combined with the three on-site spaces, including an accessible parking space, the ELF meets the minimum requirement of 11 parking spaces. The proposed on-street parking aligns with the standards of FCC, ensuring adequate parking for non-residential use while optimizing available public resources.

C. The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the Planning Commission. This parking demand analysis may include an acceptable proposal for alternate modes of transportation, including a description of existing and proposed facilities and assurances that the use of the alternate modes of transportation will continue to reduce the need for on-site parking on an ongoing basis. Examples of alternate modes include but are not limited to:

1. Transit-related parking reduction. The number of minimum parking spaces may be reduced by up to 10% if:

a. The proposal is located within a ¼ mile of an existing or planned transit route, and;

b. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant.

Findings: Florence City Code (FCC) 10-3-3(C) permits the Planning Commission to modify the minimum parking requirements based on a parking demand analysis and allows up to a 10% reduction for transit-related factors under specific conditions. The applicant for the Elm Park Planned Unit Development (PUD) has submitted a parking demand analysis and requested a transit-related reduction to justify a total of 41 parking spaces for the Elm Park Apartments (EPA), rather than the 50 spaces required under Table 10-3-1.

The applicant demonstrates that the EPA site is within ¼ mile of the Rhody Express transit route, satisfying FCC 10-3-3-C.1.a. The Rhody Express offers flexible boarding and drop-off locations along its route, including on 9th Street, which is proximate to the PUD site. To further support transit-oriented development, the applicant proposes several measures, including the provision of Rhody Express maps and schedules at the rental office, community building, and Early Learning Facility (ELF). The applicant also commits to enhancing transit facilities by refreshing the PeaceHealth campus bus shelter. This work includes sanding, applying a rust-resistant undercoat, repainting, or, if preferred, fully replacing the shelter to ensure its continued functionality and aesthetic improvement. Additionally, the applicant offers to reimburse EPA residents for Rhody Express tickets to encourage transit use, reducing on-site parking demand on an ongoing basis, as required by FCC 10-3-3(C). A condition of approval will be applied to ensure that the transit tickets provided by the applicant are made available to all residents of the PUD, not just those commuting.

The parking demand analysis, supported by data from comparable affordable housing developments, demonstrates that 41 parking spaces will adequately serve the needs of EPA residents. Observations of similar developments in Florence have shown that parking demand for affordable housing is lower than for market-rate housing, with peak parking occupancy rates of only 70%. The applicant cites the Planning Commission's approval of a similar reduction for the Shore Pines at Munsel Creek development, where a parking demand analysis justified a reduction from the standard requirement. Based on this evidence, the applicant requests the Planning Commission's approval to reduce the minimum parking requirements.

Conclusion: The applicant's parking demand analysis, combined with the transit-related reduction, provides a sufficient basis for the Planning Commission to consider approving the proposed 41 parking spaces for the Elm Park Apartments. The transit route's proximity, the applicant's commitment to promoting transit use, and specific measures to enhance transit facilities—including refreshing or replacing the PeaceHealth campus bus shelter—demonstrate a proactive approach to reducing parking demand. *As a condition of approval, the applicant must ensure that the transit tickets provided are made available to all residents of the PUD, not just those commuting. This condition will further support equitable access to transit benefits and align with the goals of transit-oriented development.(COA#2)* Final approval of the parking reduction rests with the Planning Commission, ensuring the parking plan aligns with the needs of the development and the standards of the FCC.

D. For commercial and Retail Trade types and for sites with five or more dwelling units, the following standards must be met.

1. Commercial and Retail Trade. For Commercial and Retail Trade type uses provided in Table 10-3-1.C, at least 20 percent of the total number of parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger.

Findings: The commercial requirement, with 11 spaces provided for the ELF, requires 2 spaces.

Conclusion: The applicant has shown on Exhibit N-2 the level three conduit proposed for six spaces in front of the ELF.

2. In buildings with five or more dwelling units, if parking spaces are provided, the following standards apply.

- A. If between one and six spaces are provided for dwelling units, 100 percent of the spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger.

- B. If seven or more spaces are provided for dwelling units, 50 percent, or six, whichever is greater of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 2 electric vehicle charger.

Findings: The applicant proposes 41 parking spaces for the EPA, requiring 20.5 parking spaces with electrical conduit.

Conclusion: 21 parking spaces are proposed to have level three electric conduit adjacent to them. *To ensure that sidewalks are not blocked by the charging infrastructure, a condition of approval will be added. (COA#3)*

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:

<u>Tri-plex or Quad-plex</u>	
<u>Cluster Housing</u>	
<u>Multiple-family dwelling</u>	
<u>Studio & one bedroom units</u>	<u>1 Space per unit</u>
<u>Two-bedroom units</u>	<u>1 1/2 Spaces Per unit</u>

<u>Three-bedroom units or larger</u>	<u>2 Spaces per unit</u>
<u>Educational Services, not a school (e.g., tutoring or similar services)</u>	<u>1 space per 500 sq. ft. floor area</u>

Findings: Florence City Code 10-3-4 establishes minimum parking requirements based on use, including residential and non-residential developments. Parking is calculated based on gross floor area for non-residential uses and per dwelling unit for residential uses. For multifamily residential developments, the minimum required parking is as follows:

- Studio and one-bedroom units: 1 space per unit.
- Two-bedroom units: 1.5 spaces per unit.
- Three-bedroom units or larger: 2 spaces per unit.

Non-residential uses, such as educational services, require 1 space per 500 square feet of gross floor area, with a minimum of 2 spaces, plus accessible parking spaces as required.

For the Elm Park PUD, the applicant proposes a residential development with 6 one-bedroom units, 16 two-bedroom units, and 10 three-bedroom units, as well as a 5,500-square-foot Early Learning Facility (ELF). Based on these standards, the minimum required parking for the development is calculated as follows:

- Residential Units:
 - 6 one-bedroom units × 1 space = 6 spaces.
 - 16 two-bedroom units × 1.5 spaces = 24 spaces.
 - 10 three-bedroom units × 2 spaces = 20 spaces.

Total Residential Requirement: 50 spaces.
- Early Learning Facility (ELF):
 - 5,500 sq. ft. ÷ 500 sq. ft. = 11 spaces (including at least one accessible space).

The applicant has requested a parking **reduction** as part of their PUD application, proposing 41 parking spaces for the residential units and 11 spaces for the ELF. The applicant provided a parking demand analysis, which justifies the reduction based on the unique characteristics of the development, including its high walkability, proximity to transit services, and observed lower parking demand for affordable housing. The parking demand analysis was prepared by a qualified professional and submitted as part of the application, meeting the burden of evidence required to justify the proposed reduction.

Conclusion: The parking requirements for the Elm Park PUD comply with Florence City Code based on the applicant’s proposed parking reduction. The Planning Commission will review the parking demand analysis to determine if the proposed reduction adequately meets the needs of the development while adhering to the intent of the Code. The applicant’s provision of evidence to support the reduction satisfies the criteria for requesting a **modification** to the minimum parking requirements, pending Planning Commission approval.

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

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

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)

<u>Total Number of Parking Spaces Provided (per lot)</u>	<u>Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)</u>	<u>Van Accessible Parking Spaces with min. 96" wide access aisle</u>	<u>Accessible Parking Spaces with min. 60" wide access aisle</u>
<u>51 to 75</u>	<u>3</u>	<u>1</u>	<u>2</u>

Findings: For the Elm Park Planned Unit Development (PUD), the applicant proposes a total of 52 parking spaces across the development, including 41 spaces for the residential units and 11 spaces for the Early Learning Facility (ELF). Based on the total number of parking spaces provided, the minimum requirement for accessible parking is 3 spaces, including 1 van-accessible space with a 96-inch-wide access aisle and 2 standard accessible spaces with 60-inch-wide access aisles.

The applicant’s parking plan includes the required 3 accessible spaces, with at least one located at the ELF and designed to provide unobstructed access to the building entrance. The accessible spaces are grouped and meet the ADA standards outlined in FCC 10-3-5. The spaces will be marked with required signage and pavement markings, with signs installed at the appropriate height (42 to 72 inches above pavement level). No covered parking is proposed for the development, so the requirement for covered accessible spaces is not applicable.

The applicant's accessible parking plan complies with the location, grouping, and design standards specified in FCC 10-3-5, ensuring that the accessible spaces are functional and meet the needs of individuals with disabilities.

Conclusion: The Elm Park PUD meets the requirements of FCC 10-3-5 for accessible parking. The applicant has provided the required 3 accessible spaces, including 1 van-accessible space and 2 standard accessible spaces, appropriately located and designed to ensure compliance with ADA standards.

10-3-8: PARKING AREA IMPROVEMENT STANDARDS: All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete, porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

B. Parking for tri-plexes, quad-plexes or cluster housing may be provided either as a carport or garage or as a parking lot meeting the standards listed in FCC 10-3-9. Spaces shall be located on the rear of the lot and meet the following requirements:

1. Outdoor on-site maneuvering areas shall not exceed a total of forty feet wide or fifty percent of the lot frontage, whichever is less.
2. Parking spaces shall measure nine (9) feet and six (60) inches wide by nineteen (19) feet long.
3. No encroachments (such as water heaters, steps, door swings) are allowed into the required parking spaces.
4. Residential uses of three (3) or more units must provide long-term bicycle parking, see FCC 10-3-10.

Findings: Florence City Code (FCC) 10-3-8 outlines parking area improvement standards applicable to all public or private parking areas, loading areas, and outdoor vehicle sales areas. These standards include requirements for surface durability, driveway aprons, maneuvering areas, parking space dimensions, and long-term bicycle parking for residential uses with three or more units.

For the Elm Park Planned Unit Development (PUD), the applicant has proposed a parking plan that complies with the improvement standards as follows:

1. Surface Durability: All required parking areas are proposed to have a durable, dust-free surfacing material, including asphaltic concrete, cement concrete, or other City-approved materials. Driveway aprons will be paved for the first 50 feet from the street, meeting the standard for driveway paving.
2. Parking Dimensions: Parking spaces for the residential units measure 9 feet 6 inches wide by 19 feet long, consistent with the dimensional requirements specified in the Code. No

encroachments, such as steps, door swings, or water heaters, are proposed within the required parking spaces, ensuring compliance with this standard.

3. Maneuvering Areas: The parking plan includes outdoor on-site maneuvering areas designed to ensure efficient vehicle movement while limiting the maneuvering area width to no more than 40 feet or 50% of the lot frontage, whichever is less. The proposed layout complies with these dimensional requirements.
4. Bicycle Parking: The PUD includes 32 residential units, which triggers the requirement for long-term bicycle parking under FCC 10-3-10. The applicant has provided 12 long-term covered bicycle parking spaces, exceeding the minimum requirement of 11 spaces, demonstrating compliance with the bicycle parking standards.

The parking areas and associated improvements are designed to meet all applicable standards, ensuring functionality, accessibility, and alignment with Code requirements.

Conclusion: The Elm Park PUD complies with the parking area improvement standards outlined in FCC 10-3-8. The proposed parking areas include durable, dust-free surfaces, appropriately paved driveway aprons, correctly dimensioned parking spaces, and adequately sized maneuvering areas. Additionally, the applicant has exceeded the requirements for long-term bicycle parking.

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

Findings: The Elm Park Planned Unit Development (PUD) includes shared and common parking areas, all of which abut concrete sidewalks. To ensure compliance, the construction plans for the parking areas will include stormwater management features designed to prevent water from draining over the sidewalks into the public ROW. Public Works will review and approve the final construction plans to verify that the grading, drainage, and surfacing of the parking areas meet this standard. This review will ensure that parking lot surfacing does not encroach upon the public ROW except as permitted.

Conclusion: The Elm Park PUD will comply with FCC 10-3-8(C) through the inclusion of properly designed stormwater management and parking area construction plans. Public Works will review and approve the final construction plans to ensure that stormwater is properly managed, no water drains over the concrete sidewalks into the public ROW, and parking lot surfacing adheres to all applicable standards. These criteria will be satisfied upon Public Works approval.

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

Findings: The Elm Park Planned Unit Development (PUD) is not adjacent to any residential uses, nor is the property near any residential zoning. As a result, there are no adjacent residential uses that would be impacted by parking space locations or headlight glare. Given the absence of

nearby residential uses or zoning, this standard is inherently met, and no additional measures, such as screening, are necessary to comply with this requirement.

Conclusion: The Elm Park PUD satisfies the requirements of FCC 10-3-8(D) because no adjacent residential uses or zoning are present near the subject property. The absence of residential uses ensures that headlights from parking spaces will not create any adverse impacts, and no further action is required to meet this standard.

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

1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph E2 of this subsection.

2. Except for places of ingress and egress, a five foot (5') wide landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Planning Commission may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.

Findings: The Elm Park Planned Unit Development (PUD) includes parking areas adjacent to public sidewalks and street rights-of-way. The plans demonstrate compliance with the requirement for a six-inch curb to prevent vehicle encroachment. The landscape plan also clearly shows the inclusion of a five-foot-wide landscaped area along the street rights-of-way, satisfying the landscaping standard. As no alternative designs are proposed or required, the development fully complies with this standard.

Conclusion: The Elm Park PUD meets the requirements of FCC 10-3-8(E) by including six-inch curbs to prevent vehicle encroachment and providing a five-foot-wide landscaped area along the street rights-of-way, as demonstrated in the landscape plan. These criteria are satisfied without the need for further review.

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

Findings: The applicant has proposed eight (8) parallel parking stalls located along 10th Street and Greenwood Street, which are within the public right-of-way. According to FCC 10-3-3-B, on-street parking spaces may count toward the required minimum parking for the development.

The applicant has not indicated that an agreement with the City has been established for the use of these public parking spaces, but their inclusion aligns with the City Code's provision for on-street parking to contribute to the development's parking requirements. The use of these spaces does not constitute a parking area extending into the public way as the stalls are integrated into the public street design and governed by the City's jurisdiction.

Conclusion: The Elm Park PUD complies with FCC 10-3-8(F) as the proposed parking does not extend into the public right-of-way without proper authorization. The eight (8) parallel parking spaces along 10th Street and Greenwood Street are within the public right-of-way and count toward the required minimum parking as allowed by FCC 10-3-3-B. These criteria are satisfied, and no further agreements with the City are necessary to ensure compliance.

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

Findings: In the Elm Park Planned Unit Development (PUD), a total of 52 parking spaces are proposed. Of these, 41 spaces are designated for the residential dwellings, and 11 spaces are allocated for the Early Learning Facility (ELF). The parking spaces for the ELF are not adjacent to any dwellings in a manner that would necessitate screening under this Code provision.

The residential parking spaces are inherently connected with the dwellings they serve and are intended for use by the residents. Therefore, the exception in FCC 10-3-8(G) for parking in connection with dwellings applies to these 41 parking spaces. As such, the requirement to provide a sight-obscuring fence or evergreen hedge between these parking areas and adjacent dwellings does not apply.

The 11 parking spaces serving the ELF are located such that they are not adjacent to any residential dwellings in a way that would require screening to minimize disturbance. There are no existing residential dwellings adjacent to the ELF parking area that would be impacted by headlights, noise, or other disturbances typically mitigated by screening.

Conclusion: The Elm Park PUD complies with FCC 10-3-8(G). The 41 parking spaces designated for residential dwellings are exempt from the screening requirement, as they are parking in connection with dwellings. The 11 parking spaces for the Early Learning Facility are not adjacent to any dwellings in a manner that would require the installation of a sight-obscuring fence or evergreen hedge. Therefore, no additional screening is necessary, and the criteria of this Code section are satisfied.

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

Findings: Florence City Code (FCC) 10-3-8(H) requires that parking areas meet lighting standards outlined in FCC 10-37 to ensure pedestrian and vehicular safety and visibility during dark hours. The Elm Park Planned Unit Development (PUD) includes shared and common parking areas, which are subject to these requirements. Lighting plans must comply with FCC 10-37, ensuring appropriate placement, intensity, and shielding to provide safety while minimizing light spillover onto adjacent properties.

Conclusion: The applicant's proposed plans for the shared and common parking areas include provisions for lighting. A review of the lighting design will ensure it complies with FCC 10-37 requirements later in this report, including adequate illumination levels for pedestrian and vehicular safety and measures to prevent glare or light trespass.

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

Findings: The Elm Park Planned Unit Development (PUD) includes 41 parking spaces for residential units and 11 spaces for the Early Learning Facility (ELF), organized in parking lots accessed via driveways. According to the site plans and narrative provided, none of the parking spaces require backing movements or maneuvering into a street right-of-way. The shared parking lots are designed with on-site maneuvering areas that accommodate vehicle turning and exiting without encroaching into adjacent public streets.

The eight on-street parallel parking spaces proposed along 10th Street and Greenwood Street do not violate this standard because they are located within the street right-of-way by design and conform to the allowances for on-street parking under FCC 10-3-3-B. These spaces are not part of the parking lots and are, therefore, excluded from the backing movement restriction.

Conclusion: The Elm Park PUD complies with FCC 10-3-8(I). The design of parking lots ensures no backing movements or maneuvering into a street right-of-way for groups of more than two spaces. On-street parallel parking spaces along 10th Street and Greenwood Street conform to separate standards for on-street parking and do not conflict with this provision.

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

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

Findings: The parking lots are appropriately positioned within the interior of the development and do not encroach upon any required yard areas.

Conclusion: The Elm Park PUD complies with FCC 10-3-8(J) by ensuring that all required parking and loading spaces are located outside of required front and side yards. Additionally, the applicant has submitted plans for parking lot construction, satisfying the requirement for planning review under FCC 10-3-8(K). Final approval of the application will confirm adherence to these standards.

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

1. Individual parking and loading spaces.
2. Circulation area.
3. Access to streets and property to be served.
4. Curb cut dimensions.
5. Dimensions, continuity and substance of screening, if any.

6. Grading, drainage, surfacing and subgrading details.
7. Obstacles, if any, to parking and traffic circulation in finished parking areas.
8. Specifications for signs, bumper guards and curbs.
9. Landscaping and lighting.

Findings: For the Elm Park Planned Unit Development (PUD), the applicant has provided preliminary parking plans as part of the PUD application. However, final detailed plans meeting the standards outlined in FCC 10-3-8(L) are required at the time of building permit submittal. These plans must demonstrate full compliance with the standards, including precise measurements, circulation details, and features such as grading, drainage, and landscaping. Approval of the parking and loading plans will be subject to review and confirmation during the building permit process.

Conclusion: The parking and loading requirements of FCC 10-3-8(L) will be satisfied upon the submittal of a building permit application for the Elm Park PUD. At that time, the applicant will be required to submit a detailed parking plan addressing all elements listed in the Code. Compliance with these standards will be reviewed and verified as part of the building permit approval process, and additional accessible parking in front of the southwest EPA building may be required. These criteria will be met through the required building permit submittal and subsequent review as code requires.

M. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:

1. Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.
2. May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)

Findings: Florence City Code (FCC) 10-3-8(M) establishes that failure to provide, maintain, and care for a parking area as required constitutes a public nuisance and may be abated under FCC 6-1-8-5. Additionally, such failure may serve as grounds for denying a business license or any permit issued by the City.

The Elm Park Planned Unit Development (PUD) includes detailed parking plans as part of the application, and the applicant has committed to providing and maintaining parking areas in compliance with applicable standards. The maintenance plan for these areas will be implemented by the property management or ownership entities as outlined in the application materials. The maintenance responsibilities include surfacing, drainage, signage, curbing, landscaping, and lighting, ensuring the parking areas remain functional and in compliance with Code requirements.

If parking areas are not maintained or fall into disrepair, the City may pursue remedies, including declaring the parking area a public nuisance or denying future business licenses or permits associated with the development. However, the application materials demonstrate an understanding of these responsibilities and a commitment to compliance, reducing the risk of such enforcement actions.

Conclusion: The Elm Park PUD complies with FCC 10-3-8(M) by committing to provide and maintain parking areas in accordance with Code requirements. Failure to do so could result in enforcement actions, including abatement as a public nuisance or denial of future permits or business licenses. The applicant's management plan and compliance with parking standards ensure adherence to these requirements, satisfying this criterion.

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for a single-family; duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

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

Findings: The applicant has submitted a detailed, dimensioned site plan demonstrating compliance with these standards. The Elm Park Planned Unit Development (PUD) includes parking spaces that meet the following requirements:

- Standard Parking Spaces: The site plan shows motor vehicle parking spaces measuring 9 feet 6 inches wide by 19 feet long, conforming to the dimensional requirements in FCC 10-3-9(A).

- Striping: Each parking space includes double-line striping, with lines spaced two feet (2') apart and a minimum width of 4 inches, as required by FCC 10-3-9(B) and (C).
- Parallel Parking Spaces: The proposed eight (8) on-street parallel parking spaces measure 8 feet 6 inches wide by 22 feet long, meeting the requirements in FCC 10-3-9(D).
- Parking Layout: The parking area layout conforms to the dimensions specified in Figure 10-3(1) and Table 10-3-3, ensuring adequate maneuverability and circulation.
- ADA Compliance: The site plan includes accessible parking spaces that meet the Americans with Disabilities Act (ADA) standards for dimensions and van-accessible spaces, ensuring compliance with FCC 10-3-9(F).

The applicant's plans incorporate City standards for surfacing, stormwater management, and striping, and where applicable, comply with the provisions of FCC Title 9 Chapter 5.

Conclusion: The Elm Park PUD meets the parking stall design and dimensional requirements outlined in FCC 10-3-9. The dimensioned site plan demonstrates compliance with the standards for parking space size, striping, parallel parking, layout, and ADA accessibility. These criteria are satisfied, and no additional measures are required.

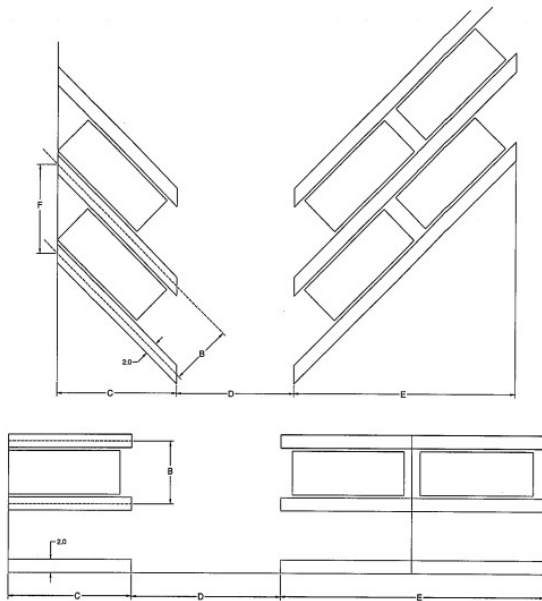


FIGURE 10-3 (1)

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

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

- A. Minimum Size Space: Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. Minimum Required Bicycle Parking Spaces. Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.
- C. Long Term Parking. Long term bicycle parking requirements are only for new development of group living and residential uses of three or more units. The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building; Tri-plex, Quad-plex, Cluster Housing or Multi-Family = 1 per 3 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.
 - 1. For residential developments that provide parking through a garage, bicycle parking may be provided as a wall-mounted rack located inside the garage. The minimum clearance distance from the wall to the automobile parking space shall be four feet (4').

Findings: The site plan provides both short-term and long-term bicycle parking as required. Short-term bicycle parking is required for non-residential uses at a ratio of one space per ten vehicle parking spaces, with fractions rounded up. For the Early Learning Facility (ELF), which includes 11 vehicle parking spaces, the requirement is two short-term bicycle parking spaces. The applicant meets this requirement by providing two short-term bicycle parking spaces located near the ELF entrance.

Long-term bicycle parking is required for residential developments with three or more units at a ratio of one space per three units. For the PUD's 32 residential units, this results in a requirement of 11 long-term bicycle parking spaces. The applicant exceeds this requirement by providing 12 covered and secured bicycle parking spaces. These spaces are designed with a minimum size of two feet by six feet, ensuring compliance with FCC 10-3-10(A).

The bicycle parking is appropriately placed to serve residents and visitors and complies with the standards for secure, covered long-term parking and accessible short-term parking. No additional adjustments or modifications are necessary to meet these standards.

Conclusion: The Elm Park PUD complies by providing two short-term bicycle parking spaces for the Early Learning Facility and 12 covered and secured long-term bicycle parking spaces for the residential units, exceeding the minimum requirements. The bicycle parking plan demonstrates compliance with size, location, and accessibility standards, satisfying the Code's criteria.

- D. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or

fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.

E. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

F. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.

G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.

Findings: The bicycle parking for the Early Learning Facility (ELF) and the residential units is located in proximity to the main building entrances. The short-term bicycle parking for the ELF is no farther from the building entrance than the closest non-handicap vehicle parking space, meeting the requirement of a maximum distance of fifty (50) feet. Long-term bicycle parking for residential units is covered and secure and is easily accessible from public streets or multi-use paths.

The bicycle parking is designed for visibility and security. Short-term bicycle parking spaces are visible from building entrances, providing security against theft and damage. For lighting, the bicycle parking areas are designed to be as well-lit as the vehicle parking areas, ensuring compliance with FCC 10-37 lighting standards.

Areas designated for bicycle parking will be marked and reserved exclusively for bicycle parking, eliminating conflicts with other uses. Additionally, the placement of bicycle parking does not impede pedestrian movement or create hazards. The parking areas are located to avoid conflicts with vision clearance standards, ensuring safe circulation. No waivers or modifications are required, as the proposed bicycle parking complies with the safety and placement standards.

Conclusion: The Elm Park PUD meets the requirements of FCC 10-3-10(D-H) for bicycle parking location, design, visibility, lighting, and safety. The parking areas are well-placed, secure, and clearly marked, ensuring functionality and compliance with Code standards. These criteria are satisfied, and no further adjustments are necessary.

10-7-4: DEVELOPMENT STANDARDS FOR WETLANDS AND RIPARAIN AREAS:

A. Purpose: Significant wetlands, and their related wetland buffer zones, and significant riparian corridors provide hydrologic control of floodwaters; protect groundwater and surface water quality; provide valuable fish and wildlife habitat, including habitat for anadromous salmonids; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks and shorelines; and provide educational and

recreational opportunities. It is recognized that not all resources will exhibit all of these functions and conditions.

B. Applicability:

1. Affected Property: The procedures and requirements of the Significant Wetland and Riparian Area Standards:

a. Apply to any parcel designated as having a Significant Goal 5 Wetland or Significant Goal 5 Riparian Corridor, and Significant Wetland Buffer Zones, as defined in FCC Title 9 Chapter 5 and FCC Title 10 Chapter 2. Significant Goal 5 wetlands and significant riparian corridors are mapped in Appendix A of the 2013 Inventory and Tables 2.1 and 2.2 and the Significant Wetland and Riparian Reaches Maps in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), as amended, in Comprehensive Plan Appendix 5, which is adopted into this Code by reference.

b. Apply in addition to the stormwater standards in FCC 9-5-3-3-F (incorporated herein) and the standards of the property's zoning district, except that the required setbacks in this subsection are not in addition to the required setbacks in the underlying zone. Where conflicts exist between this subsection and the underlying zoning district, this subsection shall apply.

Findings: The Elm Park Planned Unit Development (PUD) includes a portion of land identified on City of Florence maps as a Significant Goal 5 Riparian Corridor located at the northwest (NW) corner of the subject property. These maps, which are referenced in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan and adopted into FCC Title 9 Chapter 5, FCC Title 10 Chapter 2, and the Comprehensive Plan, are not guaranteed to be accurate. Wetland delineation submitted as part of this application, along with a wetland delineation provided for the associated streets application (PC 24 39 DR 13), present information that conflicts with the mapped boundaries of the Significant Goal 5 Riparian Corridor.

Conclusion: The applicant's wetland delineation identifies 112.5 square feet of the RAIR-B riparian area within the NW corner of the property, differing from the boundaries shown on the wetland delineation submitted for PC 24 39 DR 13 and City maps. The applicant does not propose development in the 112.5 square feet of the RAIR-B riparian area within the NW corner of the property.

2. Applicability to properties adjacent to the side channel of Munsel Creek (Reach RMC-Cs in the 2013 Inventory). These properties are subject to special setback reductions and provisions, as set out below, due to the unique development patterns and history of the area. These special provisions are supported by, and explained in, the Economic, Social, Environmental, and Energy (ESEE) Analysis and Limited Protection Program (ESEE Analysis) in Chapter 3 of the 2013 City of Florence Significant Wetlands and Riparian

Corridors Plan in Appendix 5 of the Comprehensive Plan. The ESEE Analysis is adopted as part of the Comprehensive Plan and is incorporated herein by reference.

Findings: The applicability of this standard does not extend to the proposed development, as the property is located outside the geographic area designated for these provisions.

Conclusion: The standard for properties adjacent to the side channel of Munsel Creek (Reach RMC-Cs) does not apply to the Elm Park PUD, as the subject property is not adjacent to this reach of Munsel Creek.

3. Applicability to public facilities in significant wetlands. Public facilities (transportation, water, wastewater, and stormwater) that are included in the City’s Public Facility Plan, as amended, are exempt from the requirements of this subsection provided that permitted uses are designed and constructed to minimize intrusion into the riparian area; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained. This exemption is authorized by the ESEE Analysis in Appendix 5 of the Comprehensive Plan. See Section, “Exemptions,” below.

Findings: The proposed infrastructure improvements, as detailed in the associated streets application (PC 24 39 DR 13), are designed to minimize intrusion into the riparian area, including plans for replanting with native vegetation, and will secure all required federal and state permits.

Conclusion: The planning commission must determine if the proposed infrastructure improvements are designed to minimize intrusion into the riparian area as part of PC 24 39 DR 13; if determined to be compliant, it will provide a path for this PUD application to proceed.

C. Activities Subject to Standards and Requirements: Activities subject to the Special Development Standards in this subsection shall include the following, unless specifically exempted by Code:

1. Partitioning and subdividing of land;
2. New structural development;
3. Exterior expansion of any building or structure, or increase in impervious surfaces or storage areas;
4. Site modifications including grading, excavation or fill (as regulated by the Oregon Department of State Lands and the Army Corps of Engineers), installation of new above or below ground utilities, construction of roads, driveways, or paths, except as specifically exempted in the section “exemptions” below;

-

5. The cutting of trees and the clearing of any native vegetation within a Significant Wetland, Wetland Buffer Zone, or Riparian Corridor beyond that required to maintain landscaping on individual lots existing on the effective date of this title.

Findings: The applicant proposes new structural development within the Elm Park Planned Unit Development (PUD), including multifamily residential buildings, a childcare facility, and associated infrastructure. These activities fall under "New structural development" and are therefore subject to these Special Development Standards.

Conclusion: The applicant's proposal for new structural development is subject to the Special Development Standards outlined for activities in Significant Wetlands, Wetland Buffer Zones, and Riparian Corridors. The proposed development must comply with these standards by implementing measures to mitigate impacts, including minimizing disturbance, replanting native vegetation, and ensuring compliance with permitting requirements.

D. Exemptions:

1. Only the following uses and activities in significant riparian corridors or wetland buffer zones are exempt from these Significant Wetland and Riparian Area Standards, provided: the uses and activities are designed and constructed to minimize intrusion into the buffer zone; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained:
 - a. Replacement of lawfully created existing structures with structures in the same location that do not disturb additional wetland buffer zone or significant riparian surface area. All Coast Village structures existing on September 5, 2013 are grandfathered and qualify as "lawfully created existing structures" for purposes of this subsection. This provision supersedes the provisions for non-conforming structures in FCC 10-8.
 - b. Installation or maintenance of public and private facilities and utilities (such as transportation, water, wastewater, and stormwater, electric, gas, etc.) in riparian areas.
 - c. The sale of property.
 - d. Temporary emergency procedures necessary for the safety or protection of property.
 - e. All water-related and water-dependent uses as defined in the Definitions in the Florence Code Title 10 Chapter 2.
 - f. Removal of non-native vegetation and replacement with native plant species.

- g. Removal of vegetation necessary for the development of water-related or water-dependent uses.
- h. Public facilities identified in the City's Public Facility Plan, in Appendix 11 of the Comprehensive Plan, as amended, that are installed in significant wetlands, provided that the facilities are designed and constructed to minimize intrusion into the wetland; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained.

Findings: The proposed Elm Park Planned Unit Development (PUD) does not fall under any of the exemptions listed. The PUD proposal includes new structural development and associated site modifications that do not meet the exemption criteria for uses such as replacement of existing structures, removal of non-native vegetation, or development of water-dependent uses. However, the infrastructure improvements on which the PUD relies, as outlined in the associated streets application (PC 24 39 DR 13), could qualify for exemption under subsection (h) as public facilities identified in the City's Public Facility Plan. These infrastructure projects include stormwater and transportation improvements and must demonstrate compliance with the exemption criteria by minimizing intrusion, replanting disturbed areas with native vegetation, and securing all required federal and state permits. The Planning Commission will determine whether these infrastructure activities qualify for exemption during their review of PC 24 39 DR 13.

Conclusion: The Elm Park PUD is not exempt from the Significant Wetland and Riparian Area Standards listed above and must comply with the applicable requirements for development in riparian corridors and wetland buffer zones.

- E. Agency Review: Decisions made by the City of Florence under this title do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the land owner to ensure that any other necessary state or federal permits or clearances are obtained. In particular, state and federal mitigation requirements for impacts associated with approved water-related or water-dependent uses may still be required.

Findings: The proposed Elm Park Planned Unit Development (PUD) involves new structural development and infrastructure improvements that may impact nearby riparian or wetland areas, including the RAIR-B riparian area located in the northwest corner of the property. While the City will evaluate compliance with local development standards, the applicant is responsible for ensuring that all required permits or approvals from state and federal agencies, such as the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers, are obtained. This includes adherence to any mitigation requirements that these agencies may impose to address potential environmental impacts.

Conclusion: The applicant must obtain any necessary permits or clearances from agencies such as the Oregon DSL or U.S. Army Corps of Engineers.

- F. General Development Standards and Requirements: When development is proposed that is subject to these standards, the property owner is responsible for the following. Figure 1 below is a cross section illustrating terms used in the discussion of wetland and riparian setbacks defined in Oregon Statewide Planning Goal 5.

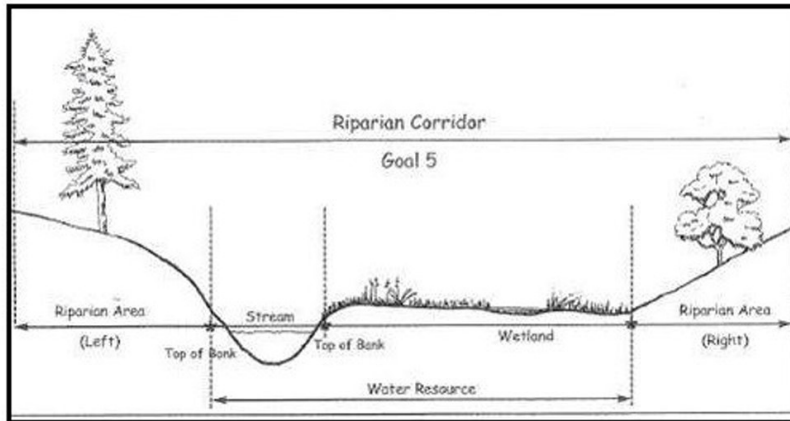


Figure 1: Downstream cross section illustrating terms used in Statewide Planning Goal 5. Source: *Urban Riparian Inventory and Assessment Guide*, Oregon Department of State Lands, 1998.

1. Determination of Significant Wetland and Riparian Area Boundaries.
 - a. For the purpose of showing the boundary of a significant wetland on a site plan, property owners may choose one of the following options:
 - i. Hire a Qualified Professional to do the delineation and have the delineation approved by the Oregon Department of State Lands (DSL); or
 - ii. Hire a Qualified Professional to do the delineation but do not request DSL approval of the delineation. The Qualified Professional must have performed prior wetland delineations that were approved by DSL; or
 - iii. If the site plan shows the proposed development is outside the 50 foot Stormwater Buffer Zone, the wetland boundaries shown on the adopted Local Wetland Inventory (LWI) Map can be used to determine the wetland boundary for this purpose.

Findings: The Elm Park Planned Unit Development (PUD) involves land identified on the Local Wetland Inventory (LWI) Map, which contains a portion of the RAIR-B riparian area in the northwest corner of the property. The applicant submitted a wetland delineation prepared by Sam Rabe of Branch Engineering, a Qualified Professional with a history of prior wetland delineations approved by the Oregon Department of State Lands (DSL). This approach complies with the above standard, which allows delineations by Qualified Professionals without requiring DSL approval if the professional has prior DSL-approved work.

The delineation prepared by Sam Rabe provides a more precise boundary of the significant wetland area than the LWI Map. While the applicant has not sought DSL approval for this delineation, it meets the Code's requirements for wetland boundary determination. The applicant has utilized this delineation to prepare a site plan that ensures the proposed development avoids intrusion into the identified riparian area. This method aligns with the intent of the FCC to allow site-specific evaluations while maintaining the integrity of significant natural resources.

Conclusion: The applicant's wetland boundary determination complies with the above standard by utilizing a wetland delineation prepared by Sam Rabe of Branch Engineering, a Qualified Professional with prior DSL-approved delineations. The delineation provides accurate and site-specific information necessary for preparing the PUD site plan and ensures the proposed development avoids intrusion into significant wetland and riparian areas. While DSL has not approved the delineation, it satisfies the requirements of FCC and supports compliance with local wetland protection standards. Final acceptance of the delineation's use is subject to the Planning Commission's review and approval.

b. For significant riparian corridors, the width of the corridor boundary is the "significant riparian width" in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridor Plan in Comprehensive Appendix 5.

Findings: The width of a significant riparian corridor boundary is determined by the "significant riparian width" listed in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan, as adopted in Comprehensive Plan Appendix 5. For the RAIR-B riparian corridor located in the northwest corner of the Elm Park Planned Unit Development (PUD) site, the significant riparian width is identified as 65 feet from the top of the bank.

Table 2.2 Significant Florence Riparian Corridors and Widths

Basin and Reach ¹	Riparian Width, ² ft	Functional Assessment				Goal 5 Significant	Notes		
		Water Quality	Flood Mgmt	Thermal Regulation	Wildlife Habitat		Goal 17?	Outside UGB?	In City Limits?
Munsel Creek Basin									
RMC-A	50/50-G17	H ³	H	M	H	--	Goal 17		Yes
RMC-B	50/50-SH	H	M	H	H	Yes			Yes
RMC-C	50/50-SH ⁴	H	H	H	H	Yes			Yes, Mostly
RMC-Cs	50/50-SH	H	M	H	M	Yes			Yes
RMC-D	50/50-SH	H	M	H	H	Yes			Yes, in part
RMC-D1	50/50-PTH	H	M	M	M	--		Outside	
RMC-EI	120-PTH	H	M	M	H	--	Goal 17		No
RMC-Er	15 - PTH	M	M	L	M	--		Outside	
RMC-FI	50 - Topo	H	M	M	M	--		Outside	
RMC-Fr	120-PTH	H	M	M	H	--		Outside	
Airport Basin									
RAIR-A	20/20Topo	M	M	L	L	No			Yes
RAIR-B	65/65-PTH	H	M	H	H	Yes	Goal 17, in part		Yes
RAIR-C	30/30Topo	M	M	M	M	No			Yes
Rhododendron Drive Basin									
RRH-A	50/50-PTH	M	M	H	M	Yes	Goal 17, in part		Yes
Heceta Beach Basin									
RHB-A	20/20Topo	H	M	H	M	Yes			No
RHB-B	50/50-PTH	H	H	H	H	Yes			No
North Fork Siuslaw Basin									
RNS-A	40/40Topo	M	M	H	M	--		Outside	

1. See Map "City of Florence Significant Riparian Reaches 2013" for Significant Riparian Corridor locations. The 2013 Inventory contains information and maps for riparian areas not deemed significant.
2. Left and Right values looking downstream, measured horizontally from top of bank for streams. Basis for width:
G17 = Goal 17 setback; SH = Goal 5 Safe Harbor
PTH = Potential Tree Height; Topo = Top of bank to topographical break
3. Functional assessment ratings based on Urban Riparian Assessment Guide (URIAG) Scoring: L = Low, M = Medium, H = High
4. Where RMC-C includes a wetland, the riparian boundary shall be measured from, and include, the upland edge of the wetland [OAR 660-023-0090 (5)(c)]; and the riparian corridor boundary for two minor wetlands (< ½ acre each) is set at 25 feet consistent with the approved PUD plat for Florentine Estates.

Conclusion: The applicant’s wetland delineation, prepared by Sam Rabe of Branch Engineering, verifies the presence of the RAIR-B riparian corridor and confirms the applicability of the 65-foot setback. The applicant requests a **modification** to this setback and justifies it based on the fact that will construct infrastructure and as part of that, mitigate the RAIR-B riparian corridor.

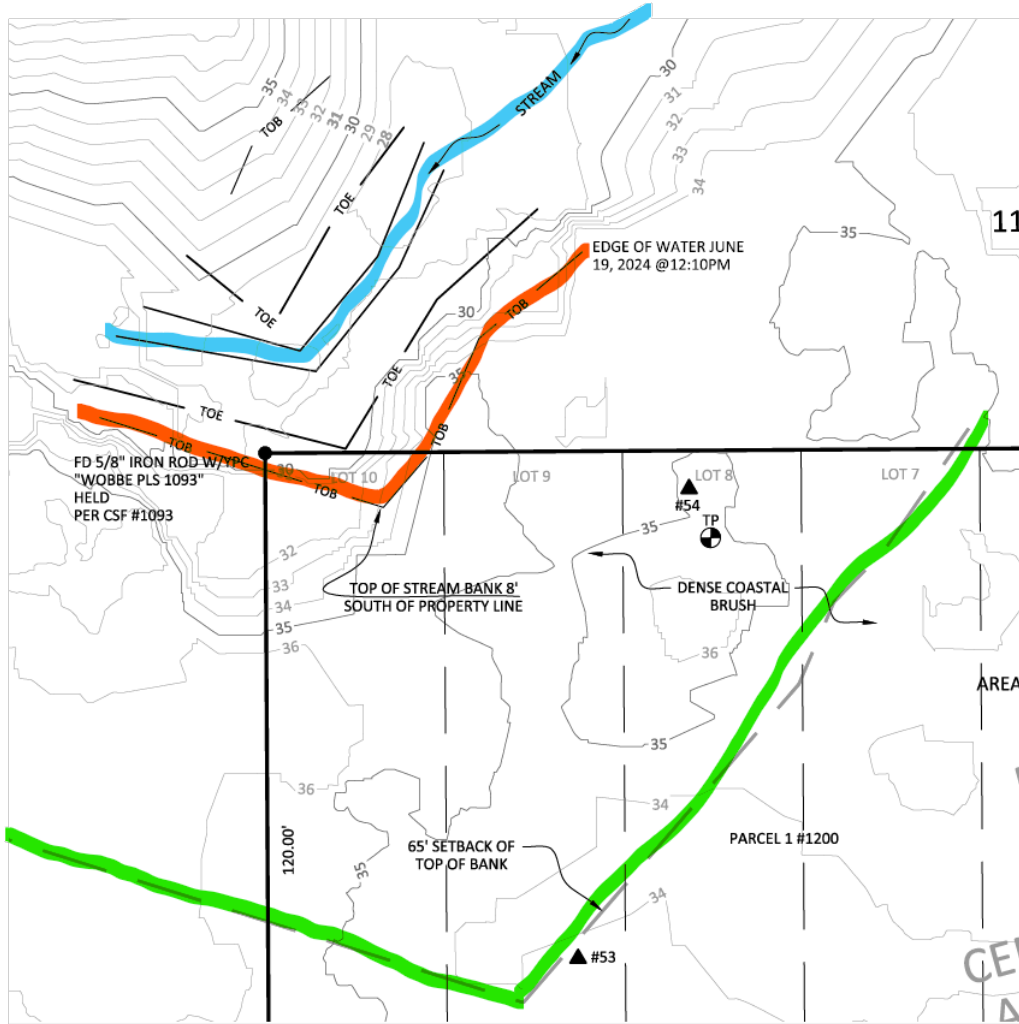
c. For significant riparian corridors, the boundaries of the riparian corridor will be measured and shown on an approved site plan. The City shall maintain maps of regulated riparian areas, and make them available to the public. These maps will be used to identify the extent of the riparian area unless the applicant can demonstrate through detailed inventory information (including maps, photos, and Lane County aerial photos showing the location and species of vegetation growing in the disputed area) that the city’s maps are in error. For purposes of making these measurements, the following shall apply:

- i. Riparian buffer zones are measured horizontally from the top of bank. The top of the bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of bank.

- ii. If the top of bank is not identifiable, the riparian buffer zones are measured horizontally from the line of ordinary high water. In a given stream, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually and identified in the field by physical characteristics that include one or more of the following:
 - a. A clear, natural line impressed on the bank
 - b. Changes in the characteristics of soils
 - c. The presence of water-borne litter and debris
 - d. Destruction of terrestrial vegetation

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data are available.

Findings: The applicant provided a site-specific wetland delineation prepared by Sam Rabe of Branch Engineering, which includes detailed maps and documentation verifying the riparian corridor boundary. This delineation conflicts with the City's adopted maps, but the submitted documentation satisfies the criteria for demonstrating that the City's maps are in error. The delineation confirms the 65-foot riparian width (green line below), measured horizontally from the top of the bank (orange line below). The top of bank is determined by the uppermost break in grade, as characterized by changes in topography and vegetation influenced by water movement.



Conclusion: The applicant’s delineation, prepared by Sam Rabe of Branch Engineering, provides sufficient evidence to challenge the accuracy of the City’s adopted maps and establishes the riparian corridor boundary as measured from the top of bank. This approach ensures that the proposed development adheres to local riparian protection standards and maintains compliance with the requirements of the City’s Code. Final acceptance of the delineation and riparian boundary measurements is subject to Planning Commission review and approval.

2. Preparation and submission of a site plan (vegetation clearing permits are also subject to the submission requirements in FCC Title 4 Chapter 6) that shows:
 - a. The wetland boundary or the top of bank of the riparian corridor,
 - b. The significant riparian corridor width or the wetland buffer zone,
 - c. The footprint of the proposed structure measured from the riparian corridor boundary or wetland buffer zone edges,

- d. Any requested setback adjustments as measured from the edge of the wetland or riparian corridor boundary,
- e. The type and location of dominant existing native plants that would be displaced, and
- f. The type of native plants to be planted and the location where they will be replanted.

Findings: The applicant has provided site plans with the above information and a landscape plan that shows where and what plants will be planted as part of their development. The applicant is requesting the removal of the 65-foot buffer, relying on PC 24 39 DR 13 to mitigate the wetland as part of the construction of Fir Street and 11th.

Conclusion: Final approval of the site plan is subject to Planning Commission review.

- 3. It is prohibited to permanently alter a significant wetland by: the placement of structures or impervious surfaces; or by the removal of native vegetation; or by grading, excavation, placement of fill, or vegetation removal (other than perimeter mowing and other cutting necessary for hazard prevention), except as follows:
 - a. Where full protection of the Significant Wetland renders a property unbuildable, as defined in the definitions in Title 10 Chapter 2 of this Code; or
 - b. Public facilities identified in the City’s Public Facility Plan, Appendix 11 of the Comprehensive Plan, as amended, may be installed in significant wetlands or riparian areas, provided that the facilities are designed and constructed to minimize intrusion into the wetland or riparian are; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained.

Findings: The Elm Park Planned Unit Development (PUD) includes a portion of the RAIR-B riparian corridor located in the northwest corner of the property, identified as a significant wetland. The applicant’s proposal avoids any direct alteration of the riparian area by ensuring that no structures, impervious surfaces, or vegetation removal will occur within the riparian boundary, aligning with the prohibition against permanent alterations.

The associated infrastructure improvements in the streets application may qualify for an exception as public facilities. These proposed public facilities should be designed to minimize intrusion into the riparian corridor, replant any disturbed areas with native vegetation, and secure all necessary state and federal permits.

Conclusion: The Elm Park PUD complies with the prohibition on permanent alteration of significant wetlands by avoiding development or disturbance within the RAIR-B riparian corridor. While no exceptions apply to the PUD itself, infrastructure improvements in the associated streets application may qualify for an exception as public facilities, provided they

minimize intrusion, replant disturbed areas with native vegetation, and obtain all required permits. The final determination of compliance for the streets application and by association with this application rests with the Planning Commission.

G. Stormwater Quality: As provided in FCC 9-5-5-3-F and the Code Definitions in FCC 10-2, significant wetlands over ½ acre and significant streams are “sensitive areas” that shall be protected by a buffer zone of native, undisturbed vegetation. The outer boundary of the buffer shall be determined by a minimum 50-foot setback from the edge of the significant wetland; for significant riparian areas, the buffer zone shall be the significant riparian width identified in the 2013 Inventory and the 2013 City of Florence Wetlands and Riparian Corridors Plan. The width and nature of protection required within the buffer may change as the Endangered Species Act and other state and federal regulations are promulgated. The City requires that the buffer width meet all state and federal requirements.

No land disturbing activities, structures, development and construction activities, gardens, lawns, application of chemicals, pet wastes, dumping of any kind of materials shall be permitted within the buffer zone, except as noted below:

1. Roads, pedestrian, or bike paths crossing the buffer from one side to the other in order to provide access to or across the sensitive area.
2. A pedestrian or bike path constructed within a buffer and parallel to a sensitive area shall have the buffer widened by the width of the path if the path is constructed of impervious material.
3. Pedestrian or bike paths shall not exceed 10-feet in width.
4. Utility/service infrastructure construction (i.e., storm, sanitary sewer, water, phone, gas, cable, etc.) If approved by the City Manager or his/her designee.
5. Measures to remove or abate hazards, nuisance, or fire and life safety violations as approved by the City.
6. Enhancement of the riparian corridor for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.
7. Water quality facilities planted with appropriate native vegetation may encroach into the buffer area as approved by the City and other appropriate authorities.

Findings: The Elm Park Planned Unit Development (PUD) proposal involves a request for a modification to the required buffer setback from the RAIR-B riparian corridor. This request is part of the PUD application and is based on the applicant's understanding that mitigation measures included in the associated streets application will address impacts to the wetland area.

The standard buffer requirement is a 50-foot setback from the edge of the significant wetland, as required for sensitive areas under local and state regulations. For the RAIR-B riparian corridor, the buffer zone is determined by its significant riparian width of 65 feet from the top of bank. The applicant's requested modification to the buffer setback relies on the mitigation measures proposed in the streets application, which include protective barriers and replanting disturbed areas with native vegetation to ensure water quality and riparian protection. The proposed modifications aim to balance site development needs with the preservation of sensitive areas.

The streets application also includes infrastructure improvements that are allowed within the buffer zone under specific conditions, such as utility installations, subject to City approval.

The **modification** request and associated mitigation measures must demonstrate that the development will maintain or enhance water quality, protect riparian functions, and comply with all state and federal requirements. Approval of the modification is contingent upon the Planning Commission's determination that the mitigation plan in PC 24 39 DR 13 adequately addresses potential impacts and that the requested setback adjustment aligns with the overall intent of the buffer zone protection standards.

Conclusion: The applicant's request for a modification to the buffer setback for the RAIR-B riparian corridor is subject to review and approval by the Planning Commission. The modification relies on mitigation measures included in the street application to minimize impacts to the wetland and riparian area, such as protective barriers and native vegetation replanting.

H. Additional Statewide Planning Goal 5 exceptions: The following exceptions are in addition to the exceptions in G, above. Consistent with Statewide Planning Goal 5 [OAR 660-023-0090 (8) (a)], the permanent alteration of significant riparian areas by grading or the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:

1. Water-related and water-dependent uses and removal of vegetation necessary for the development of water-related or water-dependent uses;
2. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and
3. Removal of non-native vegetation and replacement with native plant species.

Findings: The exceptions outlined under this standard are not applicable to the current PUD application. The applicant has instead requested a modification to the setback requirements as

part of the PUD application, with mitigation measures included in the associated streets application, but these do not invoke the additional exceptions provided under this standard.

Conclusion: The additional exceptions for the permanent alteration of significant riparian areas under Statewide Planning Goal 5 do not apply to the Elm Park PUD. The project's compliance with riparian protection standards will be confirmed through Planning Commission review, without reliance on the exceptions provided under this standard.

I. Removal of native vegetation: In accordance with Goal 5, removal of vegetation from a significant riparian corridor is prohibited, except as otherwise provided in these Wetland and Riparian Standards and in FCC 4-6-3 and for the following:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.
2. Removal of vegetation necessary for the development of approved water-related or water- dependent uses or for the continued maintenance of dikes, drainage ditches, or other stormwater or flood control facilities. Vegetation removal shall be kept to the minimum necessary.
3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Planning Director. If no hazard will be created, the Planning Department may require these trees, once felled, to be left in place in the Significant Wetland or Riparian Area.
4. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a federally approved herbicide technology for use in or near open water is the only type of herbicide that can be used in a Significant Riparian Corridor. Pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water shall not be used. Herbicide applications are preferred to be made early in the morning or during wind-less periods at least 4 hours before probable rainfall. Any herbicide use must follow the label restrictions, especially the cautions against use in or near open water.

Findings: The applicant has not proposed the removal of non-native vegetation, hazardous trees, or nuisance plants as part of this application. Any vegetation removal required for the associated infrastructure improvements will adhere to the mitigation and restoration standards outlined in the street application and relevant state and federal regulations.

Conclusion: The removal of native vegetation within the RAIR-B riparian corridor as part of the Elm Park PUD is limited to what is necessary for development activities, with mitigation

measures provided through the streets application. These measures include replanting disturbed areas with native vegetation to ensure no net loss of density, shade, or ecological function.

J. Special Provisions for the Munsel Creek Side Channel: The following special provisions apply to properties in the significant riparian corridor of the Munsel Creek Side Channel (Reach RMC-Cs in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan). These provisions are in addition to, or provide relief from, the other standards in this subsection, and where conflicts exist, this section shall prevail.

1. In addition to the other setback adjustments and Variances allowed by this subsection, a 50% setback adjustment to the required 50-foot significant riparian width for properties along the Munsel Creek Side Channel will be permitted in order to allow new or expanded development to build up to 25 feet from the top of bank of the creek, as long as any native plants disturbed by the development are replaced elsewhere in the buffer zone, subject to the following exceptions and procedures:

a. Properties in Florentine Estates PUD that were granted a reduced setback by the Planning Commission prior to October 5, 2013 are deemed to comply with the standards in this subsection and do not need to apply for this setback adjustment.

b. The setback adjustment for other affected properties shall be granted through the Type II Review process in 10-1-1-6-2.

c. The applicant shall be granted the setback reduction upon demonstration that any native vegetation displaced by the development shall be replanted in the remaining buffer zone (shrub for shrub, tree for tree, etc.)

d. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide. Staff from the Siuslaw Watershed Council and Soil and Water Conservation District are available to provide property owners with technical assistance with native plant identification and guidance on replanting.

Findings: As addressed earlier, this criterion is not applicable to this application as it is not part of the Munsel Creek side channel.

Conclusion: This criterion is not applicable to this application.

K. Setback Adjustments: The following reductions in setbacks shall be allowed for properties affected by the significant wetland and riparian area standards as set out below:

1. Eligibility for setback adjustment. Property owners affected by these significant wetland and riparian corridor standards shall be eligible for setback adjustments as follows:
 - a. Single family dwellings: when the significant wetland or significant riparian corridor standard or requirement is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet.
 - b. For the Munsel Creek side channel: the “required setback” for the purpose of eligibility for the setback adjustment is the reduced setback allowed in subsection “J” above.
2. If the required setback or standard for the significant wetland or riparian corridor is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet, then a primary dwelling, this size or less, shall be permitted to intrude into the setback area in accordance with the standards of this subsection. Any Code requirements of the applicable zoning district (such as required garages) that would necessitate intrusion into additional riparian area shall not apply.
3. If the proposed primary dwelling will be more than 20 feet from a significant wetland or stream, the adjustment application shall use the Type II Review process in FCC 10-1-1-6-2.
4. If a proposed primary dwelling will be built within 20 feet of a significant wetland or stream, a Hardship Variance from the Planning Commission shall be required in accordance with Florence City Code Title 10 Chapter 5.

Findings: The Elm Park Planned Unit Development (PUD) is a multifamily residential project and does not include single-family dwellings; therefore, the eligibility criteria under this standard, which focus primarily on single-family dwellings, do not directly apply to the proposed development. The significant riparian corridor setback of 65 feet from the top of the bank of the RAIR-B riparian area impacts the northwest corner of the property, but the applicant is requesting a **modification** to the setback as part of the PUD application, which is subject to Planning Commission review.

Conclusion: The applicant's request for a modification to the riparian corridor setback is being reviewed under the PUD application process and does not require the application of the setback adjustment provisions described in this standard. Final approval of the requested modification is

contingent on the Planning Commission's determination that it complies with the applicable PUD standards and adequately mitigates impacts on the significant riparian area.

L. Hardship Variances: A variance to the provisions of this subsection shall be granted by the Planning Commission in accordance with the procedures in Florence City Code Title 10 Chapter 5 only as a last resort and is only considered necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this title.

1. Eligibility. An application for a hardship variance from the provisions of this subsection shall be available upon demonstration of the following conditions:

a. Siting of a primary dwelling 50 feet by 27 feet or less requires intrusion into the significant wetland buffer zone or significant riparian corridor within 20 feet of a significant wetland or stream; or

b. Strict adherence to the applicable standards or requirements of this subsection would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

c. Due to unique circumstances and historic development patterns outside the control of the property owners, the Variance fee for this application shall be waived for affected Coast Village properties.

2. The following additional standards shall apply:

a. Demonstration that the intrusion into the setback must be the minimum necessary;

b. Demonstration that any native vegetation displaced by the development will be replanted in the remaining significant wetland buffer zone or riparian corridor. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide; staff from the Siuslaw Watershed Council and Soil and Water Conservation Service are also available to provide property owners with technical assistance with native plant identification and guidance on replanting.

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- c. Permanent alteration of the Significant Wetland or Riparian Area by an action requiring a variance is subject any mitigation requirements imposed by federal and state permitting authorities.
- d. In granting a Variance, the Planning Commission shall impose conditions of approval that address all of the following criteria:
 - i. The site plan and application shall document the location of the impact, the existing conditions of the resource prior to the impact, and detailed planting plan for the approved setback area with dominant native plant species and density, and a narrative describing how the impacted resource will be replaced and approved setback area restored.
 - ii. Invasive vegetation shall be removed from, and native vegetation planted in, the approved setback area, with a minimum replacement ratio of 1:1 for the impacted area.
 - iii. Herbicides and pesticides not approved for use in buffer zones or riparian areas is prohibited in the approved setback area.
 - iv. All vegetation planted within the approved setback area shall be native to the region. In general, species to be planted shall replace those impacted by the development activity, i.e. trees must replace trees, brush must replace brush, and, within reason, like plants must replace like plants (i.e., dominant plant species).
 - v. Trees shall be planted at a density not less than the density in place prior to development.
 - vi. The property owners will work with available federal, state, and local agencies, such as the Siuslaw Watershed Council, the Siuslaw Soil and Water Conservation District, Oregon Department of Fish and Wildlife (ODFW), Department of State Lands (DSL), Salmon Trout Enhancement Program (STEP) to implement practices and programs to restore and protect the riparian area.

Findings: The applicant for the Elm Park Planned Unit Development (PUD) is not requesting a hardship variance under this section. Instead, the applicant has requested a modification/removal of the setback as part of the PUD application, which is being reviewed under the Planned Unit Development standards, and does not require reliance on the hardship variance provisions.

Conclusion: The hardship variance provisions of Florence City Code do not apply to the Elm Park PUD, as the applicant has not requested a variance and does not propose development that would meet the eligibility criteria for such a request. The applicant's modification to the setback

is being considered through the PUD application process and is subject to Planning Commission review under those standards.

M. Significant wetland and riparian corridor enhancement incentives:

1. Enhancement of Significant Wetland Buffer Zones or Riparian Corridors is encouraged, including: riparian or in-channel habitat improvements, non-native plant control, and similar projects which propose to improve or maintain the quality of a Significant Wetland or Riparian Area; however, no enhancement activity requiring the excavation or filling of material in a wetland or jurisdictional stream shall be allowed unless all applicable State and Federal permits have been granted.
2. Incentives shall be provided to improve the continuity of Significant Riparian Corridors in situations where lots would be rendered unbuildable by the setback, as defined in the Definitions in FCC Title 10 Chapter 2. Such incentives may include: reducing the required front yard setback, alternative access, vacating right-of-way, property line adjustments, re-orientation of lots, transfer of development rights (if feasible), and density bonuses, among others. The resulting development will conform, to the maximum extent practical, to the general development patterns in the vicinity of the affected lot.
3. These incentives may also be provided to properties that are severely impacted by the setback when doing so will result in enhancement of the significant wetland, wetland buffer zone, or significant riparian corridor.

Findings: The applicant for the Elm Park Planned Unit Development (PUD) is not proposing enhancement activities for the RAIR-B riparian corridor or any other significant wetland areas on the site. Instead, the applicant is relying on mitigation measures included in the associated streets application (PC 24 39 DR 13) to address potential impacts to the RAIR-B riparian area.

Conclusion: The enhancement incentives outlined in Florence City Code do not apply to the Elm Park PUD, as the applicant is not proposing enhancement activities for significant wetlands or riparian corridors. Instead, the applicant relies on mitigation measures included in the associated streets application (PC 24 39 DR 13) to address impacts to the RAIR-B riparian corridor.

N. Inventory Map Corrections: The Planning Director may correct the location of a wetland or riparian boundary shown on the Local Wetland and Riparian Areas Inventory Maps when it has been demonstrated by a property owner or applicant that a mapping error has occurred and the error has been verified by DSL. Wetland delineations verified by DSL shall be used to automatically update and replace the City's Local Wetland Inventory mapping. No variance application shall be required for map corrections where approved delineations are provided.

Findings: The applicant has submitted a wetland delineation prepared by Sam Rabe of Branch Engineering, which identifies discrepancies between the City’s LWI maps and the delineated boundaries of the RAIR-B riparian corridor in the northwest corner of the property. While the wetland delineation has not been verified by DSL, it was prepared by a Qualified Professional with prior DSL-approved delineations. As such, it serves as an accurate basis for the site plan submitted with the application. Until DSL verification is obtained, the City’s LWI maps remain the governing reference for regulatory purposes.

Conclusion: The applicant’s submitted wetland delineation identifies discrepancies with the City’s Local Wetland Inventory maps but has not been verified by DSL. Until DSL verification is obtained, the City’s maps remain the governing standard. If DSL verifies the delineation in the future, the corrected boundary will replace the City’s LWI mapping, without the need for a variance or additional application. Final approval of the PUD application acknowledges the delineation’s role in site planning but does not modify the City’s inventory maps at this time. Verification and map corrections are subject to DSL confirmation.

TITLE 10 CHAPTER 10 RESIDENTIAL DISTRICTS

10-10-2: RESIDENTIAL USES: A. Table 10-10-2-A. The following table indicates which uses are permitted in each residential zone.

Uses	LDR	MDR	RMH	HDR
Single-unit detached dwelling	P	P	P	C
Accessory structure	P	P	P	P
Accessory dwelling unit	P	P	P	P
Single-unit attached dwelling	N	SR	SR	P
Duplex	P	P	P	P
Tri-plex	N	C	C	P
Quad-plex	N	C	C	P
Multi-unit (5+ units)	N	N	N	SR
Cluster housing	N	C	C	P
Temporary dwelling/RV – Medical hardship	C	C	C	C
Manufactured home	P	P	P	C
Prefabricated dwelling	P	P	P	C
Manufactured home park/subdivision	N	C	SR	SR
Mobile home park	N	N	SR	SR
Residential Care Facility/Nursing Home	SR	SR	SR	SR
Boarding house/dormitory	N	C	C	SR
Transitional housing	N	N	N	N
Religious institution housing or parsonage	C	C	C	C
Planned Unit Development	D	D	D	D

P=Permitted with Type I review, SR=Type II site review required, C=Type III conditional use review required and N=Not permitted, D=Type III Planning Commission Review

Findings: The proposed use is considered a multi-unit development allowed in the High-Density Residential District. The subject property is not located in a Residential District but is situated in the Professional Office/Institutional Zoning District(POI). ORS 197A.445 which became effective on January 2nd, 2024, creates a path forward for the PUD with HDR in this zoning (POI) through ORS 197A.445 section 2a(A) and 2b(A), which states:

(2) A local government shall allow affordable housing if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109

(b) Zoned:

(A) For commercial uses

Conclusion: The proposed Elm Park Planned Unit Development (PUD), a multi-unit development, is consistent with the requirements of ORS 197A.445. While the subject property is situated in the Professional Office/Institutional Zoning District (commercial mixed use) and not a High-Density Residential District, ORS 197A.445 provides a legal pathway for affordable housing in such zones. Specifically, the property qualifies under ORS 197A.445(2)(a)(A) and (2)(b)(A), as it is owned by a public body and zoned for commercial uses. This alignment ensures that the proposed use is allowable under state law, supporting the inclusion of affordable housing in this zoning district.

10-10-3: NON-RESIDENTIAL USES

A. Table 10-10-3-A. The following table indicates which uses are permitted in each residential zone.

Uses	LDR	MDR	RMH	HDR
Public and semi-public buildings and uses (e.g. fire stations, pumping stations, reservoirs, etc.)	C	C	C	C
Public and private parks, playgrounds, community centers and recreation facilities	C	C	C	C
Religious institutions	C	C	C	C
Child care centers	C	C	C	C
Day nurseries (must retain residential character of building)	N	C	C	C
Recreation facilities for use of residents or guests as part of an approved PUD	P	P	P	P
Home occupations	P	P	P	P
Neighborhood Commercial	N	C	C	C
Bed and Breakfast Facility	N	C	N	N
Professional offices	N	N	N	C
Public parking areas	N	N	N	C
Agricultural uses	N	C	C	N

Findings: While the above table allows for Childcare centers (ELF) in Residential Districts, this proposed use is located in the Professional Office/Institutional Zoning District (POI), which allows for daycare centers and preschools. FCC 10-25-3 states the following:

The following uses may be permitted, subject to the procedures and conditions set forth in Chapters 1 and 4 in this Title, and are not required to contain a residential component:

1. Day care centers and preschools

Conclusion: The proposed Early Learning Facility (ELF), categorized as a childcare center, is an allowable use within the Professional Office/Institutional Zoning District (POI) under Florence City Code (FCC) 10-25-3. This section explicitly permits daycare centers and preschools, such as the proposed ELF, without requiring a residential component. As such, the proposed use

aligns with the permitted uses for the POI district and complies with the applicable zoning regulations.

10-10-4: LOT AND YARD PROVISIONS:

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

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

Type	LDR		MDR		RMH		HDR	
	Width	Depth	Width	Depth	Width	Depth	Width	Depth
All development types including single-unit detached ² , except:	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.

Findings: The applicant's submitted site plan and narrative confirm that all lots within the PUD meet or exceed the minimum width, depth, and area requirements to qualify as building sites. The smallest lot resulting from the request replat is 118'6" x 135'. Lot dimensions will be discussed in more detail in 11-3.

Conclusion: The proposed lots meet or exceed the minimum dimensional standards necessary to be designated as building sites.

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

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

Development Type	LDR	MDR	RMH	HDR
Single-unit detached dwelling	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
Manufactured home or prefabricated dwelling on an individual lot	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
Single-unit attached dwelling	N/A	3,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.
Duplex	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
Tri-plex	N/A	7,500 sq. ft.	7,500 sq. ft.	5,000 sq. ft.
Four-plex	N/A	10,000 sq. ft.	10,000 sq. ft.	5,000 sq. ft.
All other development types ²	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

¹Undersized lots of record with area below the minimum may still be eligible for development. See Section 10-10-12 of this Title.² Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-a.

Findings: The Elm Park Planned Unit Development (PUD) and associated replat include multiple lots for residential and non-residential uses. The smallest lot proposed as part of the replat is 15,997.5 square feet, which exceeds the minimum lot area requirements outlined in FCC 10-10-4(B).

Conclusion: The Elm Park PUD and replat comply with the minimum lot area requirements outlined in FCC 10-10-4(B). The smallest proposed lot, at 15,997.5 square feet, exceeds the required minimum, ensuring that all lots meet the standards for building site designation.

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

	LDR	MDR	RMH	HDR
Maximum building coverage	50%	50%	50%	75%
Maximum coverage by all impervious surfaces	75%	75%	75%	85%

Findings: Lot 1 has a lot coverage of 40.5%, and Lot 2 has a lot coverage of 28.5%, both of which are well below the maximum allowable impervious surface coverage of 85% for the POI zoning district.

These proposed lot coverage figures demonstrate compliance with Code requirements and ensure adequate space for landscaping, open areas, and amenities necessary to support the development.

Conclusion: The Elm Park PUD complies with the maximum impervious surface coverage requirements of FCC 10-10-4(C). The proposed lot coverage for Lot 1 (40.5%) and Lot 2 (28.5%) is significantly below the maximum coverage limit of 85% for the POI zoning district. These criteria are satisfied, and the proposed lot coverage supports the intended development and associated amenities.

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

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

	LDR	MDR	RMH	HDR
Front				
Primary	10 ft.	10 ft.	10 ft.	5 ft. ¹
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
Side				
Primary ²	10 ft.	5 ft.	5 ft.	5 ft. ¹
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	5 ft.	5 ft.	5 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
Rear¹				
Primary	10 ft.	5 ft.	5 ft.	5 ft. ¹
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	10 ft.	10 ft.	10 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
¹ Single-unit detached and duplex dwellings in the HDR District shall have the same front, side and rear yard regulations as the MDR District. ² Minimum side setbacks may be reduced to zero feet (0') for attached primary structures where they share a common wall with a structure on an adjacent lot. ³ For a corner lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner" both lot or parcel lines are the front line. The sum of these setbacks shall not fall below the sum of the minimum front and side yard requirements for primary building and no setback shall be below the minimum primary side yard requirement for the district.				

10-25-4(d3): Zero lot line developments shall be considered as part of a planned united development pursuant to Chapter 23 of this Title.

Findings: The applicant has requested a modification to the front and street-side yard setbacks to a minimum of 10 feet on Lots 1, 2, and 3, as part of the Elm Park Planned Unit Development (PUD). This request is intended to support increased density for the proposed affordable rental housing project and the Early Learning Facility (ELF). The applicant justifies the request by noting that a 10-foot setback is double the 5-foot yard standard required in High-Density Residential zoning and emphasizes that some proposed yards exceed the 10-foot minimum. The applicant’s site plans and narrative indicate compliance with the general intent of setback requirements by providing adequate space for safety, aesthetics, and functionality, even with the requested reduction. The modification aligns with the goals of increasing affordable housing density while maintaining compatibility with surrounding uses. The proposed setbacks remain consistent with the flexibility allowed under the PUD application process.

Conclusion: The requested **modification** to reduce the front and street-side yard setbacks to a minimum of 10 feet for Lots 1, 2, and 3 is reasonable and supports the development goals of the Elm Park PUD. The modified setbacks align with the intent of City standards and enable increased density for affordable housing and the Early Learning Facility. The Planning Commission’s approval of this modification would ensure compliance with the Code while supporting the project’s objectives. These criteria can be met with the approval of the requested modification.

E. Residential Density Standards: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum and maximum density standards shall be as listed below:

	LDR ²	MDR ³	RMH ³	HDR
Minimum net density (units/acre)	-	-	-	12
Maximum average net density (units/acre)	-	12	12	25 ¹

¹Maximum average net density may be increased in the High Density Residential District through a PUD. See FCC 10-23. ²Maximum Density is calculated using minimum lot size for use(s) proposed. ³Existing undeveloped (infill) lots use lot sizes in Table 10-10-4-B. Subdivisions, partitions, lot line consolidations, and replats use 12 units per acre for MDR and RMH.

Findings: Block 57, where the project is situated, measures 1.47 acres in total, with the Elm Park Affordable Housing Project (EPA site) occupying 1.10 acres. The proposed development includes 32 residential units, resulting in a density of 29.09 units per acre. The highest residential density allowed in a commercial zone, including the POI district, is 25 units per acre under FCC standards. However, ORS 197A.445(9)(b)(B) provides an allowance for affordable housing projects, permitting a 50% increase in the maximum density. This raises the allowable density for affordable housing in commercial zones to 37.5 units per acre. At 29.09 units per acre, the Elm Park PUD remains below the state-mandated maximum for affordable housing, ensuring compliance with both FCC standards and state law. The applicant has further demonstrated that the POI district supports high-density residential development, consistent with the district's intent and the requirements outlined in state law. This alignment allows the proposed density to meet local and state objectives for increased affordable housing.

Conclusion: The Elm Park PUD complies with residential density requirements under ORS 197A.445. The proposed density of 29.09 units per acre is below the state-mandated maximum of 37.5 units per acre for affordable housing in a commercial zone.

10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Primary Structures: The maximum building or structural height shall be thirty-five feet (35'), excepting High Density District which shall permit forty feet (40'), limited to three (3) stories.
2. Accessory Structures: The maximum building height shall be twenty feet (20').
3. Accessory Dwelling Units: The maximum building height shall be twenty-eight feet (28').
4. Nonresidential Structures: The maximum building height shall not exceed thirty feet (30').
5. Structures in the HDR, LDR, MDR and RMH shall have a minimum roof pitch of 3/12, except mobile homes in the mobile/manufactured home parks or district.

Findings: Florence City Code (FCC) 10-10-5(A) establishes a height limitation of 35 feet for primary structures, except in the High-Density Residential (HDR) district, where the limit is 40 feet and three stories. The applicant asserts that the Professional Office/Institutional (POI) zoning district allows for high-density residential uses and should be considered equivalent to the HDR district for the purposes of height limitations. Consequently, the applicable height limit is 40 feet and three stories under FCC 10-10-5(A)(1).

Additionally, ORS 197A.445(9)(b)(B) provides an allowance for affordable housing projects, requiring local governments to permit an additional height of 24 feet above the maximum height otherwise allowed in the district. For the Elm Park PUD, which includes affordable housing in a commercial zone, this increases the height limit to 64 feet (40 feet + 24 feet).

The applicant's submitted plans confirm that no buildings in the Elm Park PUD exceed three stories or 40 feet in height, ensuring compliance with FCC 10-10-5(A)(1) and state law requirements. The state-mandated height allowance of 64 feet provides sufficient flexibility for the project, even though it does not utilize this additional allowance.

Conclusion: The Elm Park PUD complies with the height limitations outlined in FCC 10-10-5(A) and ORS 197A.445(9)(b)(B). While the maximum height allowed by state law for affordable housing in this zone is 64 feet, the proposed buildings do not exceed 40 feet or three stories, satisfying both local and state requirements.

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

Findings: To be reviewed under 10-34 Landscaping

Conclusion: To be reviewed under 10-34 Landscaping

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

Findings: To be reviewed under 10-35 Access and Circulation

Conclusion: To be reviewed under 10-35 Access and Circulation

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

Findings: Reviewed under 10-3 Off-Street Parking and Loading

Conclusion: Reviewed under 10-3 Off-Street Parking and Loading

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

Findings: Any signage for the residential units or the Early Learning Facility (ELF) must comply with the applicable sign regulations and will be reviewed as part of the building permit application process.

Conclusion: Signage for the Elm Park PUD will be reviewed and approved as part of the building permit application process to ensure compliance with FCC Title 4, Chapter 7.

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

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

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

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

Findings: The requirements for landscaping (FCC 10-34), access and circulation (FCC 10-35), public facilities (FCC 10-36), and lighting (FCC 10-37) are addressed in detail in other sections of this report.

Conclusion: The landscaping, access and circulation, public facilities, and lighting standards are reviewed elsewhere in this report under their respective sections. Compliance with these criteria is addressed as part of those detailed evaluations.

10-10-9: MULTI-UNIT DWELLINGS:

- A. Applicability: Developments of five (5) or more attached residential units are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Multi-Unit Dwellings standards shall apply.

Findings: The applicant proposes a development of 32 attached dwelling units. While they are separated into different groupings, including some that are only 4 units, this code section intends to evaluate the entire development site as a whole.

Conclusion: The multi-unit dwellings standards are applicable and reviewed below.

- B. Siting and Design Criteria:

Separation Between Buildings: The minimum separation between multiple-unit buildings shall be thirty feet (30') except where buildings are arranged end to end. Except In such a case, there shall be at least a ten foot (10') separation and no doorway or entry may open into the space between the buildings.

Applicants Findings:

The following arrangement of multi-unit dwellings is clearly “end-to-end.”



The opposite of “end-to-end” is “face-to-face,” as in the following grouping.



It is also possible, however, to view multi-unit dwellings as “end-to-end” in the following arrangement because they are not face-to-face; instead, the ends of the east-west multi-unit dwelling point to the end of the front wall of the north-south multi-unit dwellings.



Findings: Florence City Code establishes building separation requirements for multi-unit dwellings, defined as development with more than five attached dwelling units. For multi-unit dwellings, a minimum separation of 30 feet is required unless the buildings are arranged end-to-end, in which case the separation may be reduced to 10 feet, provided no doorways or entries open into the space between the buildings.

The applicant’s narrative claims the following points:

- **Building Classifications:** Buildings B, D, and E are classified as multi-unit dwellings under FCC standards. Buildings A and C contain only four (4) units each and are not considered multi-unit dwellings. Therefore, the separation requirements for multi-unit dwellings do not apply to Buildings A and C.
- **Proposed Separations:**
 - Buildings A and C maintain a 19-foot 7-inch separation from Building B, nearly double the required 10-foot end-to-end separation for multi-unit dwellings.
 - Buildings D and E, both multi-unit dwellings, maintain the required 30-foot separation.
 - The one-story community building and greenhouse are not classified as multi-unit dwellings, and the separation requirements do not apply to them.

- End-to-End Justification: The applicant considers the orientation of Buildings A and C relative to Building B to be “end-to-end” rather than “face-to-face,” further justifying the compliance of the 19-foot 7-inch separation with applicable standards.

In the event that the Planning Commission disagrees with the applicant’s interpretation of building orientation or classification, the applicant has requested a **modification** of the separation standards as part of the PUD process.

Conclusion: The Elm Park PUD complies with FCC 10-10-5(B)(1). The proposed separations meet or exceed the required distances for both multi-unit and non-multi-unit dwellings:

- Buildings A and C, though not subject to multi-unit separation requirements, provide a 19-foot 7-inch separation, exceeding the minimum required for end-to-end multi-unit dwellings.
- Buildings D and E provide the required 30-foot separation for face-to-face multi-unit dwellings.

These criteria are satisfied, and the Planning Commission may consider the applicant’s alternative request for a **modification** of the standards if needed.

2. Public Facilities: In addition to requirements listed in Section 10-36 of this Title, the developer of a multi-unit dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site.

Findings: For the Elm Park Planned Unit Development (PUD), the applicant states that all off-site public facilities necessary to serve the development will be constructed by the City as part of a private agreement between the City and the applicant.

As stated in this report there is a conflict between what the City is proposing for infrastructure and what the applicant believes is being constructed for infrastructure. Ultimately, the responsibility is the applicant, and as such a condition of approval.

This arrangement ensures compliance with the intent of FCC 10-10-9-B.2, as all required utilities, whether public or private, will be appropriately constructed and funded under existing agreements and development responsibilities.

Conclusion: The Elm Park PUD complies with FCC 10-10-9-B.2. The City will construct all off-site public utilities necessary to serve the PUD under a private agreement, while the applicant maintains financial responsibility for on-site utilities required for the development. These criteria are satisfied through the contractual arrangements and the proposed site development plan.

3. Open Space: Developments of five (5) or more units shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:

- Not less than ten feet (10') in width or depth at any point.
- Located on land with less than a five percent (5%) slope.
- Cleared sufficiently of trees, brush and obstructions so that intended

- recreational use proposed is possible.
- d. Not used for temporary or regular parking of automobiles or other vehicles.
- e. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)
- f. Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

Findings: For the Elm Park Planned Unit Development (PUD), the applicant has addressed these standards in the site plans and narrative.

1. Minimum Dimensions: The proposed common open space meets or exceeds the requirement of at least 10 feet in width or depth at any point.
2. Slope: The designated open space is located on land with a slope of less than 5%, ensuring it is suitable for recreational use as required.
3. Clearing: The open space is cleared of trees, brush, and other obstructions to allow for the intended recreational use.
4. Parking Restriction: The common open space is not used for temporary or regular parking of vehicles, maintaining compliance with this restriction.
5. Area Requirement: With 32 multi-unit dwellings in the Elm Park PUD, the development is required to provide at least 3,200 square feet of common open space. The applicant provides 10,185 square feet of open space.
6. Amenities: The open space includes amenities such as indoor and outdoor recreational areas, playgrounds, and pedestrian amenities, meeting the criteria for suitable recreational features under FCC 10-10-9-B.3(f).

The applicant's narrative and plans demonstrate full compliance with the open space requirements. The proposed common area is appropriately sized, located, and equipped to serve the recreational needs of all occupants.

Conclusion: The Elm Park PUD complies with FCC 10-10-9-B.3. The proposed common open space meets or exceeds the requirements for size, slope, clearing, parking restrictions, and recreational amenities. The open space area is sufficient to serve all occupants and supports the development's overall livability and recreational goals. These criteria are satisfied.

4. Design Standards: Multi-unit buildings must meet all applicable design criteria of FCC 10-6-6-4 and 10-6-6-5, with the following exceptions:

- a. 10-6-6-4. G.
- b. 10-6-6-5. F. 2.
- c. 10-6-6-5. G. 3.
- d. Vinyl siding may be permitted if it meets the following standards:
 1. The style emulates lap siding, board and batten siding, shingles and/or shakes.

2. The vinyl is ultraviolet- and heat-stabilized.
3. Panels are a minimum thickness of 0.044 inches.
4. Soffit panels are a minimum thickness of 0.050 inches.
5. Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.
6. Siding is installed with sufficient space at openings, stops and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.

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

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

Findings: Florence City Code (FCC) requires multi-unit buildings to meet applicable design criteria under FCC 10-6-6-4 and 10-6-6-5, with specific exceptions and allowances for materials such as vinyl siding. Compliance with off-street parking standards (FCC 10-3) and fencing standards (FCC 10-34-5) is also required.

Design Standards

The design standards for multi-unit buildings, including materials and aesthetic requirements, will be reviewed under the respective design review applications (AR 24 04 DR 03 and PC 24 38 DR 12). These applications will ensure that the Elm Park Planned Unit Development (PUD) meets all applicable requirements, including the exceptions and additional criteria for vinyl siding, such as minimum thickness, ultraviolet stabilization, and proper installation methods.

Off-Street Parking and Fencing

Off-street parking will be reviewed in accordance with FCC 10-3, and fencing standards will be reviewed under FCC 10-34-5. These elements are reviewed in their respective sections of this report to ensure compliance.

Conclusion: The Elm Park PUD’s compliance with design standards, off-street parking, and fencing requirements will be reviewed under the appropriate sections and applications:

- Design standards under AR 24 04 DR 03 and PC 24 38 DR 12.
- Off-street parking under FCC 10-3.
- Fencing under FCC 10-34-5.

These criteria will be satisfied through the detailed review processes for the respective sections and applications.

TITLE 10 CHAPTER 34 LANDSCAPING

10-34-2 LANDSCAPE CONSERVATION

10-34-2-1: Applicability. Except for single unit homes and duplexes the provisions of this Section are applicable to all development sites which contain stands of Native Vegetation or specific Significant Vegetation, as defined below. “Development sites”

do not include any street, alley, or public right-of-way.

10-34-2-2: Native Vegetation. “Native vegetation” means those plant species native to the Florence region that are listed as native on the suggested *Tree and Plant List for the City of Florence*, such as Shore Pine, Fir, Hemlock, Spruce, Native Rhododendron, Wax Myrtle, Kinnikinnick, Huckleberry and Salal. Preservation of existing native vegetation is strongly encouraged and preferred over removal of vegetation and re-planting. Existing native vegetation may be credited toward the landscape requirements of Section 10-34-3-3 if it is preserved in accordance with the following standards:

[. . .]

Findings: Florence City Code (FCC) 10-34-2-1 and 10-34-2-2 establish standards for landscape conservation on development sites, encouraging the preservation of native vegetation and significant vegetation. These provisions apply to all development sites, except single-unit homes and duplexes, that contain stands of native or significant vegetation as defined in the Code.

The Elm Park Planned Unit Development (PUD) site does not propose the conservation of native vegetation as described in these sections of the Code. The applicant has not identified existing stands of native vegetation on the development site or provided plans to preserve them as part of the project. As such, the landscaping requirements for the PUD will be addressed through other applicable sections of the Code, such as FCC 10-34-3-3, which governs the provision and installation of new landscaping.

While the applicant does not propose native vegetation conservation, the project’s compliance with overall landscaping standards will ensure that the development meets aesthetic, functional, and environmental objectives.

Conclusion: The provisions of FCC 10-34-2-1 and 10-34-2-2 for the conservation of native vegetation do not apply to the Elm Park PUD, as the applicant does not propose to preserve native vegetation on the development site. Landscaping requirements for the PUD will be addressed through other applicable sections of FCC 10-34. These criteria do not apply to the project as proposed.

10-34-3 : LANDSCAPING

10-34-3-1: Applicability. Except for single-unit 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)

- B. For modifications or additions to existing development, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size. (Ord. 4, 2011)

Findings: Florence City Code (FCC) 10-34-3-1 establishes that landscaping requirements apply to all new developments, except single-unit and duplex dwellings. These requirements apply to the Elm Park Planned Unit Development (PUD) as a new development within the Professional Office/Institutional (POI) zoning district.

Landscaping for the PUD will be reviewed in detail under the design review applications AR 24 04 DR 03 and PC 24 38 DR 12. These applications will evaluate compliance with current landscaping standards, including the provision of trees, shrubs, ground cover, and other required features. This PUD application does not include a detailed review of landscaping but ensures that the final PUD approval will incorporate the landscaping approved under the design review applications. This approach ensures that the final PUD will align with all applicable landscaping requirements.

Conclusion: Landscaping for the Elm Park PUD will be reviewed under the design review applications AR 24 04 DR 03 and PC 24 38 DR 12 to ensure compliance with FCC 10-34-3-1. Final PUD approval will incorporate the landscaping reviewed and approved under the design review applications and ensure that these criteria are satisfied as part of the final PUD approval process.

[...]

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2-2: Applicability: Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. Access to a designated state or county highway is subject to the provisions of this Section in addition to the requirements of the applicable roadway authority. Where regulations of the City conflict with those of the roadway authority the more restrictive requirements apply.

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.

Findings: These standards are applicable to the Elm Park Planned Unit Development (PUD) as the project involves improvements within the public right-of-way (ROW). Access to the site will adhere to the applicable standards outlined in FCC 10-35-2 and any additional requirements imposed by the roadway authority.

FCC 10-35-2-3 requires that property owners obtain a "Construction Permit in Right-of-Way" prior to performing any work in the ROW, including the installation or replacement of

sidewalks, curb cuts, or driveway approaches. The applicant will be required to secure this permit from the City before commencing any ROW work. Additionally, access and improvements within the ROW will be subject to review and approval by the applicable roadway authority. Any conflicts between City standards and roadway authority regulations will defer to the more restrictive requirement.

The applicant's site plans and project narrative indicate compliance with access and circulation standards, but all work within the ROW will require appropriate permits to ensure adherence to the requirements.

Conclusion: The applicant will be required to obtain a "Construction Permit in Right-of-Way" from the City prior to any work in the public ROW. Access to and improvements within the ROW will follow the procedures and requirements of the applicable roadway authority, ensuring compliance with all applicable standards. These criteria are satisfied contingent upon obtaining the necessary permits.

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

- A. The Traffic Impact Study shall:
1. Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.
 2. Utilize the analysis procedures of the Highway Capacity Manual, latest edition.
 3. Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.
 4. Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.
 5. Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city's adopted Level-of- Service standards. The study shall also propose funding for the proposed mitigation measures.

Findings: Florence City Code (FCC) 10-35-2-5 requires a Traffic Impact Study (TIS) to determine access, circulation, and transportation requirements for developments with potential traffic impacts. The Elm Park Planned Unit Development (PUD) application includes a TIS prepared by Christian Clemow, an Oregon registered professional engineer with transportation expertise. The TIS satisfies the requirements outlined in FCC 10-35-2-5 as follows:

1. Evaluation of Streets and Access Points:
 - The TIS evaluated access points to the site and the intersections of 9th Street/Rhododendron Drive, 9th Street/Greenwood Street, and 9th Street/Kingwood Street. These streets and intersections are directly impacted by the development.
2. Analysis Procedures:
 - The TIS utilized the analysis procedures outlined in the latest edition of the Highway Capacity Manual, ensuring industry-standard methodologies.
3. Compliance with Policies and Standards:
 - The study documents compliance with Florence City Code, the goals and policies of the Florence Transportation System Plan, and applicable standards.
4. Coordination with Jurisdictions and Agencies:
 - The study was coordinated with relevant agencies, including the City of Florence Public Works Department. No coordination with Lane County, the Port of Siuslaw, or the Oregon Department of Transportation was required as the affected roadways are within the City’s jurisdiction.
5. Mitigation Measures:
 - The TIS recommends modifications to the median on Greenwood Street to improve access and left-turn movements.
 - To address safety concerns, the study suggests installing STOP signs at the 9th Street/Kingwood Street intersection to create all-way stop control.
 - The TIS confirms that no additional operational mitigation measures are necessary at the analyzed intersections.

Conclusion: The Traffic Impact Study for the Elm Park PUD satisfies the requirements of FCC 10-35-2-5. The study evaluates relevant access points and intersections, utilizes appropriate analysis methodologies, documents compliance with applicable codes and policies, and recommends mitigation measures to ensure traffic safety and compliance with Level-of-Service standards.

B. The applicant shall consult with City staff to determine the content and level of analysis that must be included in the TIS. A pre-application conference is encouraged.

C.

Findings: The applicant provided a scope of work for the TIS to the Planning Department for review and approval before conducting the study. This consultation ensured that the study would meet the City’s expectations for evaluating access, circulation, and transportation impacts associated with the Elm Park Planned Unit Development (PUD). The applicant’s proactive engagement with City staff ensured the scope of the TIS was tailored to address relevant intersections, roadways, and standards in accordance with FCC requirements.

The approved scope led to the preparation of a TIS that evaluates all required elements, documents compliance with applicable codes and policies, and provides mitigation recommendations to address traffic impacts and safety concerns.

Conclusion: The applicant has satisfied FCC 10-35-2-5(B) by consulting with City staff and obtaining approval for the TIS scope of work. This consultation ensured that the study met the City’s requirements and addressed relevant transportation impacts. These criteria are satisfied.

- D. 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”.

10-35-2-6: Conditions of Approval: The roadway authority may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting a land use or development approval or access permit, to ensure the safe and efficient operation of the street and highway system.

Findings: The applicant’s Traffic Impact Study (TIS) identified several transportation-related considerations for the Elm Park Planned Unit Development (PUD). The City may impose the following conditions of approval as part of the development review process to address operational and safety concerns:

1. Reciprocal Easements: The site plan accommodates internal circulation without requiring immediate reciprocal easements; however, the City may require these easements to facilitate access between adjoining parcels.
2. Access Adjustments: Modifications to the median on Greenwood Street are proposed to allow left-turn movements, improving site access.

3. Right-of-Way Dedications: No additional right-of-way dedications were identified in the TIS. The Planning Commission may require dedications if future transportation needs arise.
4. Street Improvements: The proposed improvements include modifications to Greenwood Street and the alley connecting 10th and 11th Streets to ensure adequate access and circulation.
5. Traffic Control Devices: The TIS recommends installing STOP signs to establish all-way stop control at the 9th Street/Kingwood Street intersection to enhance safety.
6. Turn Restrictions: No specific turn restrictions were proposed or required for this development.

The Planning Commission may impose these or additional conditions to ensure the safe and efficient operation of the transportation system.

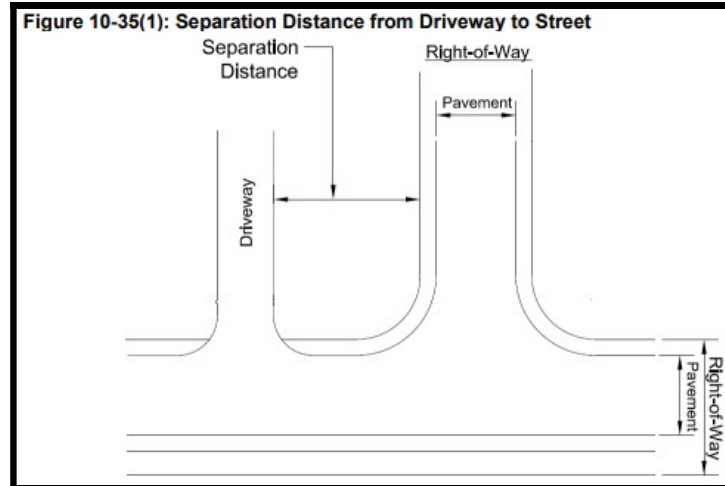
Conclusion: Based on the TIS findings, the applicant must implement recommended improvements, including the modification of Greenwood Street’s median and the installation of STOP signs at 9th Street/Kingwood Street. Additional conditions, such as reciprocal easements or right-of-way dedications, may be imposed as necessary during the development review process. [Reciprocal access easements will be required for all parking areas in the PUD. \(COA#4\)](#)

10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's classification, as measured from side of driveway to street or alley pavement (see Figure 10-35(1)). A greater separation may be required for accesses onto an arterial or collector for compliance with ODOT or County requirements.

Separation Distance from Driveway to Pavement:

<u>Alley</u>	<u>15 feet</u>
<u>Local Street</u>	<u>25 feet</u>
<u>Collector Street</u>	<u>30 feet</u>
<u>Arterial Street</u>	<u>50 feet</u>



Findings: The applicant’s site plan for the Elm Park Planned Unit Development (PUD) was reviewed to ensure compliance with these separation standards:

1. Separation Distance Compliance:

- Alley Access: Access points connecting to alleys are required to maintain a minimum separation of 15 feet from the intersection pavement. The site plan shows compliance with this standard.
- Local Streets: Driveways accessing local streets must maintain a minimum separation of 25 feet. The access points on 10th Street meet or exceed this requirement.
- Collector Streets: Access onto Greenwood Street (a collector street) is required to have a minimum separation of 30 feet from intersections. The site plan demonstrates compliance with this requirement as the access points are sufficiently spaced from nearby intersections.
- Arterial Streets: No direct access is proposed onto arterial streets, so this criterion does not apply.

2. ODOT and County Requirements:

- All access points are within the City’s jurisdiction, and no additional requirements from ODOT or Lane County are applicable.

3. Backing onto Public Streets:

- The site plan indicates that no parking spaces or internal circulation routes require vehicles to back directly onto public streets, satisfying the prohibition under this section.

Conclusion: The Elm Park PUD complies with FCC 10-35-2-7(A) as all proposed access points meet or exceed the required separation distances from intersections based on street classifications. No vehicles will back onto public streets, ensuring compliance with internal circulation and safety standards.

[...]

C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-family and duplex dwellings are exempt.

Findings: No backing onto a public street from off-street parking areas are proposed, and the parking areas are interior to the site.

Conclusion: The proposed off-street parking does not allow for the possibility of backing onto a public street.

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.

Findings: 10-35-2-8 requires new developments to prioritize access from local streets. The Elm Park Planned Unit Development (PUD) complies with this standard by gaining primary access from 10th Street, a local street, and an east-west alley between 10th and 11th Streets. This approach aligns with the requirement to prioritize lower-level streets for access. Secondary access is proposed onto Greenwood Street, a collector street. The applicant's Traffic Impact Study (TIS) evaluated the impacts of this access and concluded that it would not negatively affect the function, operation, or safety of Greenwood Street or its intersections. To further support safe circulation, the TIS recommends modifications to the Greenwood Street median to allow left-turn movements, ensuring operational efficiency and safety.

The proposed site plan demonstrates that access onto Greenwood Street is necessary to support the overall site circulation and connectivity. Alternatives relying solely on lower-level streets are not feasible due to the development's layout and adjacent street network. Shared driveways are not required for this project, as the proposed access design effectively supports internal circulation without the need for shared access points. Additionally, the design does not conflict with FCC provisions prohibiting unnecessary access to higher-level streets when lower-level streets are available. The secondary access onto Greenwood Street is justified and appropriate to meet the development's operational and safety needs.

Conclusion: The Elm Park PUD satisfies FCC 10-35-2-8 by primarily utilizing local streets for access and justifying secondary access onto Greenwood Street through compliance with operational and safety standards. The proposed access configuration ensures safe and efficient circulation and supports the functional needs of the development. These criteria are satisfied.

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.

Findings: The site plans demonstrate the provision of a 5-foot-wide pedestrian circulation path throughout the PUD, connecting parking areas with buildings and site amenities, such as the indoor bicycle storage facility. The pedestrian path also ensures accessibility to recreational areas, the community room, and other site features. These connections enhance internal site circulation and provide a safe and efficient layout for pedestrian and bicycle movement.

Additionally, the pathways are designed to integrate with existing public sidewalks and circulation networks, ensuring connectivity between the development and the surrounding area.

Conclusion: The applicant proposes providing a circulation system that accommodates expected site traffic and includes well-designed pedestrian and bicycle connections. The 5-foot-wide pedestrian pathways ensure accessibility to parking areas, buildings, and site amenities, while maintaining connectivity to adjacent sidewalks and networks.

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.

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.

Findings: A 20-foot-wide alley runs through Block 57 and functions as a shared access route and fire access path. The alley is shown as cross-hatched on the site plans and is designed to meet Fire Code requirements for turnaround and access. The shared alley facilitates safe and

efficient internal circulation between the Early Learning Facility (ELF) and Elm Park Apartments (EPA).

No existing easements cross Block 57; however, the owner of the ELF site will grant an easement to the owner of the EPA site over the easternmost 87 feet of the northernmost 19 feet of the ELF site. This easement will provide shared parking and landscaping, further supporting joint access and efficient site circulation. The site plan also demonstrates compliance with driveway separation and access management standards, with the shared access design providing for future connectivity and alignment with the City's access management classification system.

To ensure the long-term functionality of shared access, the applicant will be required to record an easement and joint maintenance agreement with the deeds of the affected parcels. These agreements will define maintenance responsibilities and ensure compliance with FCC 10-35-2-11. The inclusion of the alley and the proposed easement demonstrate that the project meets the intent of the joint and cross-access requirements.

Conclusion: The Elm Park PUD satisfies FCC 10-35-2-10 and 10-35-2-11 by incorporating shared access through the central alley and proposing an easement agreement for shared parking and landscaping. *The applicant will be required to record the necessary easement and joint maintenance agreement to ensure proper maintenance and functionality of the shared access areas.(COA#5)* These criteria are satisfied with the conditions of recording the required agreements prior to final approval.

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

- A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.
- B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:
 - [...]
 - 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 at least 18 feet.

Findings: The two proposed driveway aprons connecting to the shared access easement will accommodate two-way traffic and measure approximately 24 feet in width with an unrestricted aisle. Per FCC 10-35-2-12 B, the applicant shall submit full construction plans for the driveway aprons, sidewalk, and ramp plans for review and approval by the Public Works Director.

Conclusion: Per FCC 10-35-2-12 B, the applicant shall submit full construction plans for the driveway aprons, sidewalks, and ramps for review and approval by the Public Works Director. (COA#6)

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.

Findings: The Elm Park Planned Unit Development (PUD) includes a 12-foot-wide one-way drive lane along the west side of the Early Learning Facility (ELF) that is clearly marked on the site plans. To ensure compliance, the applicant will be required to install appropriate signage for the one-way designation and "No Parking" signs along fire apparatus lanes. These measures will ensure safe and efficient circulation within the site and compliance with emergency access standards.

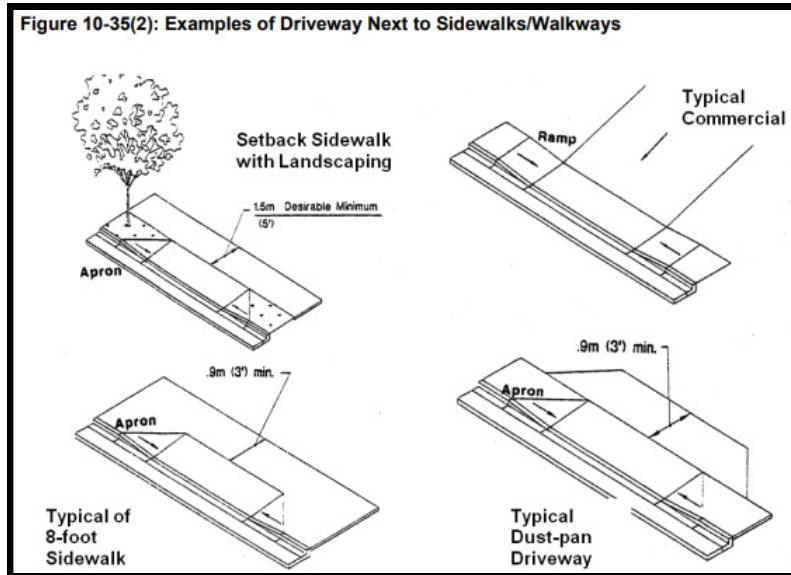
The Code also establishes a maximum allowable driveway grade of 15 percent, with the possibility of exceeding this limit if the applicant submits an engineered plan stamped by a registered geotechnical or civil engineer and obtains approval from the Public Works Director and Fire Code Official. The submitted plans do not indicate that any driveway grades will exceed 15 percent; therefore, this criterion is satisfied. Should any modifications to driveway grades be proposed in the future, the applicant will be required to submit a stamped engineered plan for approval.

Conclusion: The Elm Park PUD satisfies the requirements for one-way driveway signage and fire apparatus lane marking by proposing clear marking and signage to ensure safe circulation and compliance with emergency access standards. The maximum allowable driveway grade criterion is also met, as no grades exceeding 15 percent are proposed. These criteria are satisfied.

C. Driveway Apron Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10- 35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent, and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.

Findings: The site plans for the Elm Park Planned Unit Development (PUD) indicate compliance with these requirements, as all proposed driveways connecting to the street right-of-way include appropriate concrete aprons. The driveway apron designs will ensure accessibility for all users and meet ADA standards, creating a safe and continuous unobstructed route of travel. As required, the driveway apron construction will be subject to review and approval by the Public Works Director prior to issuance of construction permits. Any modifications or deviations will require updated plans for further review.

Conclusion: The proposed driveway aprons are designed to meet ADA standards and ensure compliance with public safety and accessibility criteria. Final review and approval of the driveway apron designs by the Public Works Director will be required prior to construction.



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.

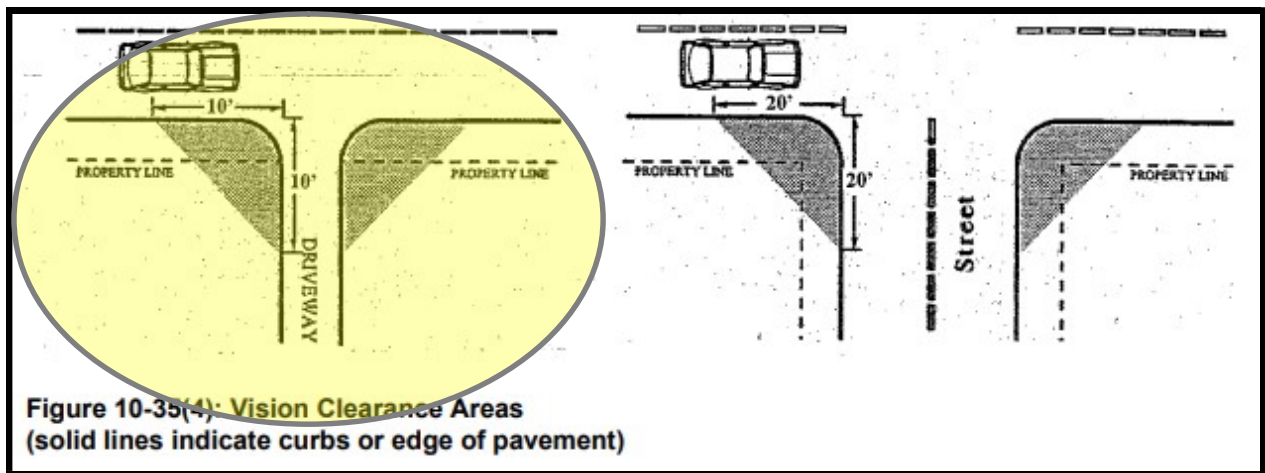
10-35-2-14: Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in "vision clearance areas" on streets, driveways, alleys, mid-block lanes, or multi-use paths where no 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 an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').
- 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.

Findings: The Elm Park PUD site plan includes 10-foot clear vision triangles where the alleyway intersects with adjacent rights-of-way and driveways, meeting the minimum requirements of FCC 10-35-2-14. No structures or obstructions encroach upon the required vertical clearance. All circulation paths, including the alleyway and access drive lanes, provide sufficient vertical clearance. The inclusion of clear vision triangles at all internal driveways and alley connections further demonstrates compliance with this standard. As shown on the site plan, the proposed landscaping avoids obstructing vision clearance areas.

Conclusion: The Elm Park PUD complies with the vertical clearance standards under FCC 10-35-2-13 by ensuring a minimum clearance of 13 feet 6 inches for all driveways, alleys, and circulation areas. The PUD also satisfies the vision clearance requirements under FCC 10-35-2-14 by including 10-foot clear vision triangles at intersections and avoiding obstructions in these areas.



10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement. 10-35-3-1: Sidewalk Requirements:

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

Findings: The Elm Park Planned Unit Development (PUD) is required to meet sidewalk development standards under FCC 10-35-3 and 10-35-3-1. However, the applicant’s narrative conflicts with information provided by the Public Works Director regarding sidewalk construction. The applicant’s narrative states that sidewalks along the PUD’s street frontage will be installed by the City as part of the City-led Infrastructure Project, also referred to as the

Streets Application (PC 24 39 DR 13). In contrast, the Public Works Director has not confirmed that sidewalk construction is included as part of this project.

While the site plan demonstrates a comprehensive internal pedestrian circulation system, including pathways connecting buildings, parking areas, and site amenities, it relies on the assumption that external sidewalk improvements will be completed under the City-led Streets Application. Without confirmation from the Public Works Director, there is uncertainty about whether the proposed sidewalk infrastructure will align with FCC requirements for pedestrian access and circulation.

Conclusion: The Elm Park PUD’s compliance with FCC 10-35-3 and 10-35-3-1 is ultimately the responsibility of the applicant. While the applicant’s narrative assumes that the City-led Infrastructure Project (Streets Application, PC 24 39 DR 13) will include sidewalk construction along the PUD’s street frontage, this assumption has not been confirmed by the Public Works Director. To address this uncertainty, a condition of approval will be added requiring the applicant to ensure that sidewalk construction is completed in compliance with FCC requirements.(COA#7) If the City-led project does not include sidewalk construction, the applicant must provide alternative solutions to meet the sidewalk development standards. This condition ensures that the responsibility for compliance remains with the applicant, and the criteria will be satisfied.

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

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

Findings: The Elm Park Planned Unit Development (PUD) includes a continuous pedestrian circulation path, as demonstrated on the site plans. This system connects all buildings and lots within the PUD, including the Elm Park Apartments (EPA) and the Early Learning Facility (ELF), ensuring direct and accessible pathways for pedestrians. The pathways are designed to integrate with the City-led Infrastructure Project, which will construct sidewalks along adjacent rights-of-way, further connecting the site to public circulation networks.

The pedestrian system also provides connectivity to nearby public parks, such as Elm Street Park, and integrates with planned external pathways to promote safe and efficient movement for pedestrians. The site design demonstrates compliance with this standard by ensuring that the pedestrian system extends throughout the development and links to adjacent areas.

Conclusion: The Elm Park PUD satisfies the requirements of FCC 10-35-3-2 by providing a continuous pedestrian circulation system throughout the development and integrating with

adjacent planned sidewalks and public infrastructure projects. The system ensures safe, direct, and convenient access for pedestrians within the site and to adjacent public spaces.

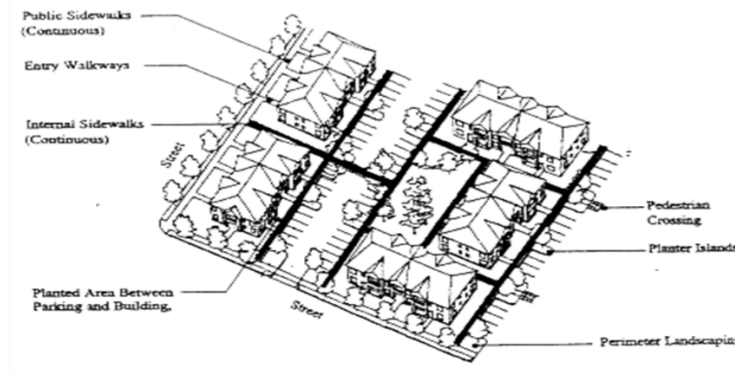
B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:

1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

C. Connections Within Development. Connections within developments shall be provided as required in subsections 1 - 3 below:

1. Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 10-35(5);
2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections

[...]



Findings: The Elm Park Planned Unit Development (PUD) provides a continuous pedestrian circulation path connecting all buildings, parking areas, and amenities, as shown on the site plans. These walkways are reasonably direct and do not deviate unnecessarily from a straight line, ensuring minimal out-of-direction travel for likely users. The design aligns with the requirement to provide safe and convenient routes that are free from hazards and accessible to pedestrians throughout the development.

The pedestrian pathways also connect all primary building entrances within the PUD, including those of the Elm Park Apartments (EPA) and the Early Learning Facility (ELF), ensuring

unobstructed access across the site. Walkways link on-site parking areas, recreational spaces, and common areas, providing cohesive circulation within the development.

Conclusion: The Elm Park PUD satisfies the requirements of FCC 10-35-3-2(B) and (C) by providing a continuous, safe, and reasonably direct pedestrian circulation system that connects primary building entrances, parking areas, recreational facilities, and other common areas within the development.

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):

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

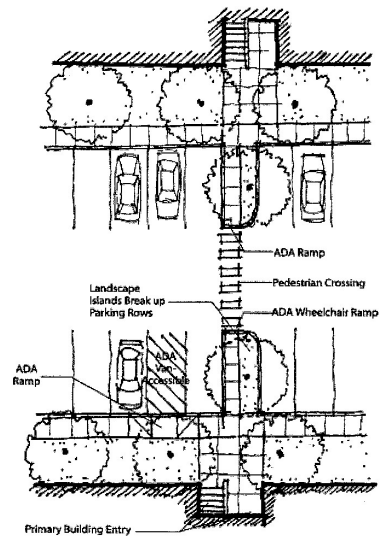
A. Vehicle/Walkway

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

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

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

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



Findings: Vehicle/Walkway Separation (Subsection A): The site plan civil details (Exhibit N-1) show that walkways throughout the Elm Park PUD are separated from vehicle parking areas by raised curbs and raised pedestrian paths. This design ensures a clear delineation between pedestrian and vehicular spaces, enhancing safety. Walkways abutting driveways or parking areas are raised six inches and curbed, meeting the requirements for vehicle/walkway separation. Pedestrian Crossing (Subsection B): A pedestrian crossing path is provided between Lots 1 and 2 (the EPA and ELF) and is designed to ensure safe movement between these areas. The site plan indicates that the crossing will include contrasting paving materials, though the details are not

entirely clear. The applicant may need to provide additional clarification or confirmation during final design approval to verify compliance with the contrasting paving material requirement.

Width and Surface (Subsection C): Walkways within the PUD are at least five feet wide, as shown on the site plans, and constructed of asphalt concrete, a durable surface material approved under FCC standards. This design ensures compliance with width and surface requirements.

Accessible Routes (Subsection D): Walkways within the PUD are designed to conform to applicable Americans with Disabilities Act (ADA) requirements. The location of ADA parking stalls is convenient and close to primary building entrances, and the site plans demonstrate direct and unobstructed routes from these stalls to the building entrances. ADA ramps are provided at raised walkway intersections with driveways or streets, ensuring accessibility throughout the site. The Elm Park PUD walkways meet the standards of FCC 10-35-3-3 for design and construction by providing safe, accessible, and durable pedestrian circulation paths with appropriate separation from vehicle areas, compliant crossings, and adherence to ADA requirements.

Conclusion: The Elm Park PUD satisfies the requirements of FCC 10-35-3-3 for walkway and multi-use path design and construction. Walkways are separated from vehicle areas by raised curbs, crossings are designed to provide safe passage between site areas, walkway width and surface standards are met, and routes are ADA-compliant.

10-35-4 : Transit Facilities: Proposed uses other than single-unit residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

A. If the proposed uses are located on a site within ¼ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

B. Proposed development must accommodate on site any existing or planned transit facility, if identified in the Community Transit Plan, through one or more of the following:

1. Provide a transit passenger landing pad accessible to disabled persons.
2. Provide an easement or dedication of land to accommodate passenger seating or shelter if requested by the transit provider.
3. Provide lighting at the transit facility meeting the requirements of Title 10-37.

Findings: Proximity to Transit: The Elm Park Planned Unit Development (PUD) is located within ¼ mile of an existing transit route operated by the Rhody Express. As stated in the applicant's narrative, this route provides service along 9th Street, which is adjacent to the development. Pedestrian circulation plans for the PUD demonstrate safe and direct routes from building entrances to adjacent public rights-of-way, which connect to the transit route.

Transit Stop Enhancements: Although the site does not include an existing transit stop, the applicant has proposed improvements to support transit riders. These include making maps and schedules of the Rhody Express available at multiple locations on-site, promoting the use of public transit. Additionally, the applicant has committed to funding the refurbishment of the

PeaceHealth campus bus shelter, including sanding, applying a rust-resistant undercoat, and repainting or replacing the shelter, as needed. While this bus shelter is not directly within the PUD boundaries, the improvement supports transit accessibility for the community.

Compliance with Subsection B: The transit facilities required under subsection B are not explicitly proposed within the site but are indirectly addressed through the applicant's commitment to refurbishing the PeaceHealth campus bus shelter. This demonstrates the applicant's intent to support transit riders. The pedestrian pathways throughout the development align with the requirements of FCC 10-35-4-A, ensuring safe and direct connections.

Conclusion: The Elm Park PUD complies with FCC 10-35-4 by providing safe and direct pedestrian routes to public rights-of-way that connect to the Rhody Express transit route. While no on-site transit facilities are included, the applicant has demonstrated support for transit riders through commitments to enhance existing community transit facilities.

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:

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.

Findings: The Elm Park PUD does not propose any new public streets or dedications within the development. However, the City-led Infrastructure Project, referenced as the streets application (PC 24 39 DR 13), will provide the necessary improvements to streets abutting the development. At the August 19, 2024, City Council meeting, the Council adopted Resolutions 19 and 20, Series 2024, indicating that the Infrastructure Project is scheduled for completion by August 2025. The Elm Park EPA development is slated for completion by April 2026, ensuring that the streets application will be completed approximately seven months prior to the EPA's completion. The applicant has revised the PUDAA to acknowledge that no public improvements will be constructed directly as part of this development, except for the removal of the Greenwood Street median opposite the alley, which will allow northbound traffic to make a left-hand turn into the alley. This improvement aligns with the Transportation System Plan (TSP), relevant provisions of FCC 10-36-2, and other applicable sections of City Code.

Conclusion: The applicant relies on the City-led Infrastructure Project, referenced as the streets application (PC 24 39 DR 13), to ensure compliance with the applicable street improvement standards outlined in FCC 10-36-2-1. The Infrastructure Project's completion prior to the EPA and ELF will adequately address street improvements adjacent to the development. As such, this criterion is met.

10-36-2-4: Creation of Access Easements: The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with

Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code and the City of Florence Standards and Specifications.

Findings: The owner of the Early Learning Facility (ELF) site has agreed to grant an access easement to the owner of the Elm Park Apartments (EPA) site. This easement will cover the easternmost 87 feet of the northernmost 19 feet of the ELF site and will be designated for parking and landscaping use.

This proposed easement ensures shared access and circulation between the EPA and ELF sites, supporting cohesive site functionality and compliance with Chapter 35, Access and Circulation. The proposed easement aligns with the requirements of FCC 10-36-2-4, the Oregon Fire Code, and the City of Florence Standards and Specifications. This shared use of space facilitates efficient access and circulation while maintaining adherence to applicable safety and operational standards.

Findings: The proposed access easement between the ELF and EPA sites, as described, complies with FCC 10-36-2-4 by promoting access and circulation consistent with Chapter 35, Access and Circulation, and the applicable Oregon Fire Code and City of Florence standards.

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.

Findings: The applicant does not propose any new public rights-of-way or related dedications within the Elm Park PUD. Instead, rights-of-way improvements are being addressed through the City-led Infrastructure Project, also referred to as the "Streets Application" (PC 24 39 DR 13).

This infrastructure project includes improvements to Fir Street from 9th to 12th, 10th Street from Greenwood to Fir, 11th Street from Hemlock to Fir, and Greenwood Street from 11th to 12th. These improvements are designed to bring existing rights-of-way into compliance with the TSP and applicable standards. Additionally, the applicant proposes removing the median in Greenwood Street opposite the alley to allow for a northbound left turn into the alley, as part of the coordinated Infrastructure Project.

The City Council adopted Resolutions 19 and 20, Series 2024, confirming that the Infrastructure Project is scheduled for completion by August 2025, well in advance of the EPA's anticipated completion date of April 1, 2026. These planned improvements align with the City's standards and ensure adequate rights-of-way for circulation, access, and public safety.

Conclusion: The Elm Park PUD does not propose new street rights-of-way or public improvements directly but relies on the City-led Infrastructure Project (PC 24 39 DR 13) to address required rights-of-way improvements. These improvements align with the Transportation System Plan and standards specified in Title 8 Chapter 2.

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

- A. Sidewalks may be placed adjacent to the street or at the property line with planter strips where practicable, or as otherwise directed by the Public Works Director.
- B. In areas with high pedestrian volumes, the City may approve a minimum 12-foot wide sidewalk area, curb tight, with street trees in tree wells and / or landscape planters.
- C. Bicycle lanes shall be constructed on all newly constructed arterial and collector streets as well as all arterial and collector streets that are widened to provide additional vehicular capacity, as indicated in the TSP, unless otherwise designated.
- D. Sidewalks shall be provided on both sides of the street for all arterial and collector streets. Sidewalks shall be provided on at least one side of the street for local streets. Exceptions may be granted if the City determines that hillsides, drainage facilities, ditches, waters of the state, or natural landscapes are to be preserved, then sidewalks on one side or a multi-use path may be approved. Sidewalks are not required on T-courts (hammer-head).
- E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.
- F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

Findings: The City-led Infrastructure Project, also referred to as the "Streets Application" (PC 24 39 DR 13), is planned to improve infrastructure along Fir Street from 9th to 12th, 10th Street from Greenwood to Fir, 11th Street from Hemlock to Fir, and Greenwood Street from 11th to 12th. These improvements include installing culverts to maintain the current location and elevation of the drainage channel.

However, there is conflicting information between the applicant's narrative and the City's Infrastructure Project. The applicant's narrative assumes that the City will install the sidewalks required for the Elm Park PUD, but this is not explicitly confirmed by the Public Works Director.

According to the Notice of Incomplete Comment (NOIC) and the applicant's narrative, the City has announced that the design for the Infrastructure Project will be 50% complete by November 2025, fully completed by January 2026, and constructed by August 2026. The Elm Park PUD is scheduled for completion by April 1, 2026, ensuring that infrastructure improvements could align with the project's timeline, provided the applicant ensures compliance.

All proposed sidewalks will meet the standards of the Florence Transportation System Plan, Comprehensive Plan, and City of Florence Standards and Specifications. No additional bicycle lanes are required as part of this application because the Streets Application addresses required roadway improvements, including bicycle facilities where applicable.

The maintenance of sidewalks and planter strips will remain the responsibility of adjacent property owners in accordance with FCC 10-36-2-16(F).

Conclusion: The Elm Park PUD relies on the City-led Infrastructure Project (PC 24 39 DR 13) to meet the requirements for sidewalks, planter strips, and bicycle lanes, as outlined in FCC 10-36-2-16. However, given the conflicting narratives, a condition of approval will require the applicant to ensure that the necessary sidewalk improvements are completed in compliance with City standards.(COA#7) If the City’s Infrastructure Project does not include these sidewalks, the applicant will be responsible for their installation. This condition ensures compliance with applicable criteria and maintains alignment with the Florence Transportation System Plan and City standards.

10-36-2-17: Existing Rights-of-Way: Whenever existing rights-of-way adjacent to or within a proposed development are developed less than standard width, additional rights-of-way shall be provided at the time of subdivision or site development, in conformance with FCC 10-36-2-5.

Findings: The Elm Park Planned Unit Development (PUD) does not propose any additional improvements or modifications to existing rights-of-way, as these are included in the City-led Infrastructure Project (Streets Application, PC 24 39 DR 13). The Infrastructure Project encompasses improvements to adjacent and nearby streets, ensuring compliance with the Florence Transportation System Plan (TSP) and applicable standards.

The City’s Infrastructure Project includes upgrades to Fir Street, 10th Street, 11th Street, and Greenwood Street, which are adjacent to the PUD site. These improvements will bring the existing rights-of-way into compliance with standard widths and requirements as outlined in FCC 10-36-2-5. Exhibit D provides a map detailing the scope of the Infrastructure Project, confirming that no additional dedications or expansions of rights-of-way are required from the Elm Park PUD.

As the rights-of-way adjacent to the development are being addressed by the City through the Infrastructure Project, there is no need for the applicant to provide additional rights-of-way or street improvements.

Conclusion: The existing rights-of-way adjacent to the site will be brought into compliance with City standards through the City-led Infrastructure Project (PC 24 39 DR 13). No additional rights-of-way are required as part of this application.

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.

Findings: Subsection (B) states that curbs are generally not permitted within alleys unless explicitly approved by the Public Works Director. The proposed curb along the alley will require review and approval by the Public Works Director during the construction review process. The applicant's submitted plans demonstrate intent to comply with all other curb-related standards, including curb exposure as per City specifications.

Conclusion: The proposed curb installation along the alley meets the intent of FCC 10-36-2-18, subject to review and approval by the Public Works Director during construction review. Compliance with this standard will be verified as part of the construction review process.

10-36-2-22: Mail Boxes: Plans for mail boxes shall be approved by the United States Postal Service.

Findings: The applicant has not yet submitted evidence of USPS approval for mailbox plans. To meet this requirement, prior to the issuance of certificates of occupancy, the applicant will need to provide documentation to the Florence Planning Director confirming that the USPS has reviewed and approved the mailbox plan for the development, including service for the future residents of Shore Pines.

Conclusion: Compliance with FCC 10-36-2-22 will be achieved when the applicant submits evidence of USPS approval for mailbox plans to the Florence Planning Director. This requirement will be enforced as a [condition of approval\(COA#8\)](#), and no certificates of occupancy will be issued until this condition is satisfied. These criteria are conditionally met.

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.

Findings: The Elm Park PUD will connect to existing utility infrastructure to comply with FCC 10-36-3-A. According to the civil plans provided by the applicant, the development will utilize the following existing mains located along Greenwood Street:

- An 8-inch sanitary sewer main,
- An 8-inch stormwater main, and
- An existing water main.

The applicant has demonstrated the feasibility of the connections through their submitted civil plans, which provide sufficient detail to meet these criteria. Streets are not required to be stubbed to the edge of the subdivision for this project.

Conclusion: The proposed sanitary sewer, water main, and stormwater connections comply with FCC 10-36-3-A and the City's adopted utility master plans. The proposed utility connections ensure adequate service to the development while adhering to applicable construction standards.

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.

Findings: The applicant has proposed connections to the existing sanitary sewer, water, and stormwater systems to serve the Elm Park PUD. However, per FCC 10-36-3-B, all plans for these utility improvements must be reviewed and approved by the Public Works Director or their designee before the issuance of any development permits. Approval will ensure compliance with the City's standards and Florence Code Title 9 Chapters 2, 3, and 5.

This review process will confirm that the proposed stormwater drainage, sewer, and water systems are designed and installed in a manner that meets City requirements. As part of the project's conditions of approval, the applicant is required to secure all necessary approvals from the Public Works Department prior to proceeding with construction.

Conclusion: The requirement for the Public Works Department to review and approve the applicant's stormwater, sewer, and water plans prior to the issuance of development permits ensures compliance with FCC 10-36-3-B and the City's adopted utility standards. This [condition of approval\(COA#9\)](#)satisfies the code criteria.

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.

Findings: The proposed Elm Park PUD is not traversed by an existing watercourse. However, the applicant has requested approval for the placement of Buildings A and B, as depicted on Exhibit E-1(1), which encroach on the 65-foot riparian buffer zone. This **modification** is based on the exemption provided for public facilities within the Infrastructure Project, which creates a physical barrier preventing adverse impacts to the significant riparian buffer area.

The applicant's proposal ensures that the significant riparian buffer is protected through the presence of this infrastructure, satisfying the intent of this criterion to maintain public health, safety, and consistency with the City's Stormwater Manual. While a stormwater easement or drainage right-of-way is typically required for developments traversed by watercourses, the modification requested is supported by the mitigation provided by the exempt public facilities.

Conclusion: The applicant's proposed placement of Buildings A and B, with the exemption provided by the public facilities Infrastructure Project, ensures protection of the significant

riparian buffer area consistent with the requirements of FCC 10-36-3-C. Approval of the proposed modification meets the intent of this criterion.

D. Over-Sizing: The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements.

Findings: The City has the authority to require sewer, water, and storm drainage systems to be sized to accommodate future development within the service area, as outlined in the applicable master plans and FCC Title 9 Chapter 1. The applicant has submitted civil engineering plans that align with the requirements of the Water, Sewer, and Storm Drainage Master Plans.

As discussed, the applicant must secure approval from the Public Works Department for all utility system designs and ensure compliance with City standards. Should any over-sizing requirements be identified during the review process, the applicant would be required to implement these improvements. The developer may seek credit or reimbursement for over-sizing master-planned infrastructure, if applicable.

Conclusion: The applicant's proposed utility system designs comply with the applicable Water, Sewer, and Storm Drainage Master Plans. Approval from the Public Works Department is required as a condition of development. The City has the ability to require over-sizing during the permitting process, and the applicant would be eligible for credit or reimbursement if over-sizing is deemed necessary.

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.

Findings: The applicant has stated in its written narrative that, according to the Fire Chief, the fire flows in Greenwood Street are adequate to support the proposed development. This indicates compliance with the requirements of the Oregon Fire Code for sufficient fire flow to serve the development. However, final verification of fire flow adequacy, hydrant placement, and water service details must occur during the building permit review process.

The proposed plans include water service connections to existing mains, which will provide the necessary flow and pressure for fire protection. Fire flow analyses, hydrant locations, and water service details will be reviewed and approved by the Building Official and Fire Marshal as part of the permitting process to ensure compliance with the Oregon Fire Code and City standards.

Conclusion: The applicant has provided preliminary information regarding fire flow adequacy, as confirmed by the Fire Chief. Final compliance with the Oregon Fire Code will be ensured

through the building permit review process, during which fire flow analyses, hydrant plans, and water service details will be reviewed and approved by the Building Official and Fire Marshal.

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

Findings: The applicant has provided detailed plans that demonstrate feasibility for meeting the required standards for water, sewer, and stormwater systems. Final details and design will undergo review and approval by the Public Works Director to ensure they meet all applicable City and state standards.

In the event of any deficiencies in the existing systems that cannot be rectified, the City has the authority to restrict development permits to avoid threats to public health or safety, surcharging of existing mains, or violations of state or federal standards.

Conclusion: The proposed development has demonstrated the ability to comply with the City's water, sewer, and stormwater system requirements. The final detail and location of these systems are subject to review and approval by the Public Works Director as a [condition of approval\(COA#9\)](#).

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.

Findings: The proposed Elm Park PUD includes site work that will disturb more than one acre of land, triggering the requirement for a National Pollution Discharge Elimination System (NPDES) Permit. This permit is required by the Department of Environmental Quality (DEQ) to ensure compliance with erosion control and sand management standards.

The applicant has acknowledged this requirement in their submitted materials and has provided a Department of Environmental Quality Land Use Compatibility Statement (LUCS) as part of Exhibit M. Prior to any site-disturbing work or issuance of development permits, the applicant must obtain the required NPDES Permit and provide proof of compliance to the City of Florence Building Department.

Conclusion: The applicant must obtain an NPDES Permit from the DEQ and submit it to the City of Florence Building Department before any site-disturbing work begins on the subject property. This requirement will be included as a condition of approval. With this condition in place, the criteria outlined in FCC 10-36-4 are met.

10-36-5: UTILITIES:

A. Underground Utilities:

1. Generally. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

Findings: The proposed Elm Park PUD includes new utility lines to serve the development. These lines, including those for electric, communication, lighting, and cable television services, are planned to be installed underground as shown in the civil engineering drawings submitted by the applicant.

The applicant has not indicated the need for temporary utility service facilities during construction, nor does the project require the installation of high-capacity electric lines operating at 50,000 volts or above.

Conclusion: The proposed utility installation complies with FCC 10-36-5(A)(1) as all new utility lines will be placed underground. This criterion is met.

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.

Findings: Per the applicant's narrative and comments from the Notice of Incomplete Application (NOIC), no public streets, utility easements, or other dedications are proposed within the Elm Park PUD. The development plans do not require the creation of new utility easements for stormwater, sewer, water, or other utilities, as all necessary utilities are addressed through connections to existing systems as identified in the civil plans.

Utility lines within the Elm Park PUD have been designed to meet City standards and do not require additional easements for maintenance or future development. The Planning Commission has not required the dedication of new utility easements for this development. Furthermore, the

applicant has committed to complying with any requirements for utility placement and access restrictions as set forth by the City.

No new public utility easements are included in this PUD. The applicant is aware that any required easements or dedications must be reflected on the final plat and recorded as determined necessary by the City.

Conclusion: No new public utility easements are required, and all utility-related requirements are addressed through existing infrastructure. Should any easements become necessary during the final review process, they will be recorded as a condition of approval with the final plat. These criteria are met.

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.

Findings: The applicant acknowledges that no public improvements will be undertaken without the prior approval of the City Public Works Director. This includes sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, and other infrastructure components. The applicant will be required to submit detailed plans for all proposed improvements to the Public Works Department. Plan approval and permit issuance will only occur once all applicable fees have been paid, and the plans meet City standards.

The City retains the right to require bonding or other performance guarantees to ensure the completion of public improvements associated with the Elm Park PUD. The applicant will comply with any bonding or guarantee requirements imposed as a condition of development approval. This includes financial assurances to confirm that required public improvements are constructed in accordance with approved plans and City standards.

Conclusion: The applicant must secure approval from the Public Works Department for all public improvement plans, ensure payment of applicable fees, and obtain all necessary permits prior to commencement of construction, satisfying FCC 10-36-7-A. Furthermore, the applicant is aware that performance guarantees, as required under FCC 10-36-7-B, may be a condition of approval to ensure completion of public improvements.

10-36-8: INSTALLATION:

A. Conformance Required: Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter,

approved construction plans, and to improvement standards and specifications adopted by the City.

B. Adopted Installation Standards: The Standard Specifications for Public Works Construction, Oregon Chapter APWA, are hereby incorporated by reference; other standards may also be required upon recommendation of the Public Works Director.

C. Commencement: Work shall not begin until the City has been notified in advance in writing.

D. Resumption: If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.

E. City Inspection: Improvements shall be constructed under the inspection and to the satisfaction of the City Public Works Department. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to City review. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements; it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.

F. Engineer's Certification and As-Built Plans: A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" plans along with an electronic copy, in conformance with the City Engineer's specifications, for permanent filing with the City.

G. Acceptance of Public Improvements: Public improvements shall only be accepted by the City after the "as-built" plans and actual improvements are approved, and all easements are recorded. Upon acceptance of public improvements, the City will accept ownership and maintenance responsibility.

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

Findings: The Elm Park PUD will comply with FCC 10-36-8 requirements, ensuring all improvements conform to approved construction plans, City standards, and specifications.

Construction work will commence only with prior notification to the City and resume after a pause of more than one month only with written notice. Improvements will be inspected and approved by the City, with any necessary changes reviewed and implemented. Certified "as-built" plans will be submitted before public acceptance, and the applicant will provide a one-year warranty for all public improvements, supported by a warranty bond equal to 12% of the construction cost.

Conclusion: All construction standards, inspections, approvals, and warranties outlined in FCC 10-36-8 will be met as part of the infrastructure permitting process.

10-36-9: PARKLANDS:

A. Purpose: For the purpose of promoting health, safety, and the general welfare of City residents, this section provides for the provision of parkland for recreational opportunities and/or open space for passive recreational use for Florence residents. The parkland provision serves the following specific purpose:

1. To address the Community Needs identified in the Florence Parks and Recreation Master Plan (Master Plan) and to ensure that park land and open space are provided to meet the needs of residents of new residential developments.

B. Parklands:

1. Developers are encouraged to work with the City to identify parkland facilities proposed in their service area. If the City has an interest in acquiring a portion of a proposed land division or development, or if the City has been advised of such interest by another district or public agency, and there is reasonable assurance that the steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

2. Areas smaller than one acre for new public parkland is generally impractical. If less than one acre of public parkland is proposed, the dedication should add on to an existing park area within or adjacent to the development site or provide some special public benefit acceptable to the city such as a trail connection.

C. Standards for Parkland:

1. Ownership and Maintenance Requirements. Land provided for parkland shall be owned and maintained in one or more of the following ways:

- a. Dedicated to, and accepted by, the City;
- b. Privately owned, developed, and maintained by the property owner or Homeowners Association;
- c. Owned and maintained by a land conservation entity, such as The Nature Conservancy;
- d. Accessible to the public through a public easement.

Findings: The Elm Park PUD includes 63,990 square feet of land, requiring 12,798 square feet of open space to meet the 20% parkland requirement. The applicant provides 10,185 square feet of open space, which constitutes 15.9% of the net development area, fulfilling 70% of the requirement. To address the 2,613-square-foot deficit, the applicant proposes paying a “fee-in-lieu” as allowed by City policy. The applicant exceeds the recreational space requirement of 3,200 square feet by providing 7,085 square feet, which accounts for 221.4% of the recreational space requirement.

The provided open and recreational spaces will be privately owned and maintained by the property owners of the EPA. The Elm Park neighborhood park, a 3.55-acre undeveloped park located across Fir Street from the EPA and within 100 feet of the site, is designated as a low-priority area for development in the Parks and Recreation Master Plan. Its potential development could serve the recreational needs of both the 9th Street Planning Area and the wider Florence community.

The Parks Plan does not specify detailed improvements for Elm Park, and no City Council resolutions outlining specific improvements are available. Additionally, the Florence Parks and Recreation Master Plan identifies Elm Park as a community asset that can complement the open space deficit of the PUD. The applicant's proposal addresses the parkland standards by contributing to the recreational and open space requirements and paying the fee-in-lieu for the deficit.

Conclusion: The Elm Park PUD meets the intent of FCC 10-36-9 by providing 10,185 square feet of open space, exceeding the recreational space requirement, and addressing the deficit through a fee-in-lieu. The privately maintained open and recreational spaces fulfill the purpose of promoting health, safety, and general welfare for residents. The proximity of Elm Park further supports the parkland needs of the development.

TITLE 10: CHAPTER 37: LIGHTING

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

- A. Resumption of Use - If a property with non-conforming lighting is abandoned for a period of one year or more, then all exterior lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.
- B. Major Additions or Alterations - If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

1. Additions of 26 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.
 2. Single or cumulative additions, modification or replacement of 25 percent or more of installed exterior lighting luminaires existing as of the effective date of this Ordinance.
 3. Existing lighting on sites requiring a conditional use permit or variance after the effective date of this ordinance.
- C. Amortization - On or before 10 years from the effective date of this code, all outdoor lighting shall comply with this Code. Most outdoor lighting will be fully depreciated at the end of 10 years if not sooner. "Easy fixes" such as re-aiming or lowering lumen output of lamps is recommended in advance of the effective date of the ordinance. Where lighting is judged to be a safety hazard immediate compliance is required.

Findings: FCC 10-37-2 establishes that the lighting standards outlined in this section apply to the proposed development. These standards govern lighting installation for buildings, parking lots, maneuvering areas, and other outdoor uses. The applicant has provided a lighting plan (Exhibit 11 – EPA Lighting Plan) for staff review, demonstrating compliance with these standards.

The proposal does not include any existing non-conforming lighting fixtures that require compliance under Section 10-37-2(A) or (B). Additionally, no amortization requirements under Section 10-37-2(C) are applicable as all proposed lighting will be newly installed and compliant with FCC 10-37.

Conclusion: The applicant's lighting plan ensures appropriate illumination for parking, pedestrian circulation, and other necessary areas in accordance with City lighting requirements. Any final review and adjustments will be conducted during the building permit process to ensure full compliance.

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.

Findings: FCC 10-37-3 requires that applications for building permits and land use planning review include a detailed lighting plan when exterior lighting is proposed. The applicant has fulfilled this requirement by submitting a comprehensive photometric plan, included as Exhibit 11 in the record, as part of the November 5, 2024, Supplement DR Exhibits submittal. The submitted photometric plan includes the following details in compliance with FCC 10-37-3:

- Number of luminaires: The plan specifies 20' Lithonia Lighting poles (Type A) for parking lot areas adjacent to the alleyway and 12' Lithonia Lighting poles (Type B) for the EPA site and buildings.
- Lamp specifications: The type and lumen output of each luminaire are provided in the plan.
- Site plan and photometric report: Exhibit 11 includes a site plan and corresponding photometric output, ensuring compliance with the City's lighting standards.

The City retains authority to request additional information if necessary to achieve the intent of FCC 10-37. However, the submitted materials appear complete and sufficiently detailed for compliance evaluation.

Conclusion: The applicant has submitted a photometric plan meeting the requirements of FCC 10-37-3. Compliance will be confirmed during the final review process.

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.

Findings: The applicant's lighting plan, included as Exhibit 11, demonstrates compliance with this requirement. The plan specifies the use of full cut-off fixtures for all exterior lighting. These fixtures are designed to ensure that light emissions are directed downward onto the site and do not cause glare or illumination onto adjacent properties or the night sky. The submitted photometric plan further confirms that the lighting design adheres to these standards, as light distribution is shown to remain contained within the project boundaries and meets the intent of the standard.

Conclusion: The exterior lighting fixtures proposed in the applicant's lighting plan meet the requirements of FCC 10-37-4(A) by employing full cut-off designs that direct light downward and prevent glare or illumination on adjacent properties or the night sky.

- 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.

Findings: FCC 10-37-4(B) establishes that parking areas must provide a minimum of 2.0-foot candles of illumination at any point and a maximum of 5.0-foot candles over parking spaces and walkways unless otherwise modified by the Design Review Board.

As seen on the photometric plan submitted as Exhibit 11, the applicant's proposed lighting for the parking areas maintains an average illumination of 3.0-foot candles, meeting the minimum requirement. No area within the parking lot exceeds the maximum allowable 5.0-foot candles. Specific averages for pedestrian and walkway areas are also provided: Walk Area North is 2.5-foot candles, Walk Area South is 2.4-foot candles, and the Entrance at 10th Street is 2.3-foot candles.

Conclusion: The applicant's lighting plan, as detailed in Exhibit 11, meets the requirements of FCC 10-37-4(B) by maintaining an average of at least 2.0-foot candles and not exceeding 5.0-foot candles in parking areas and walkways.

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.

Findings: The Elm Park Planned Unit Development (PUD) is located in the POI zone. As shown on Exhibit 11, none of the proposed lighting fixtures exceed 20 feet in height, despite the POI zone allowing a maximum of 25 feet. A note is included on Exhibit 11 to ensure that, even when installed on a base, the total height of the lighting fixtures remains compliant with the specified 20-foot limit.

Conclusion: The proposed lighting plan, as detailed in Exhibit 11, complies with FCC 10-37-4(C) by ensuring all fixtures remain below 20 feet in height, despite the POI zone permitting a maximum of 25 feet. This demonstrates consideration for the proposed residential uses, and the criterion is met.

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.

Findings: FCC 10-37-4(D) requires that main exterior lights for commercial, institutional, and industrial developments be extinguished at the end of business hours, with a minimum of lighting remaining for security and safety. The proposed Elm Park PUD is not classified as a commercial, institutional, or industrial development; it is a mixed-use residential project located in the Professional Office/Institutional (POI) zone.

The overall lighting plan, as detailed in the photometric plan (Exhibit 11), incorporates safety and security elements appropriate for the proposed residential and educational uses. Since the criterion specifically applies to commercial, institutional, and industrial buildings, it does not apply to this proposal.

Conclusion: The proposed development is not classified as a commercial, institutional, or industrial type, and FCC 10-37-4(D) is therefore not applicable. The lighting plan has been designed to ensure adequate safety and security lighting throughout the development.

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.

Findings: FCC 10-37-4(E) requires a thirty-day review period starting on the first day of business using a new lighting system to evaluate and adjust illumination levels if necessary. The applicant has submitted a comprehensive lighting plan, detailed in Exhibit 11, and is not requesting a variance to lighting standards. The applicant's design team asserts that the proposed lighting system meets the intent and requirements of Florence's lighting standards, as it has been professionally designed based on prior experience with similar developments.

The City and Design Review Board maintain the right to conduct on-site inspections and recommend adjustments to the lighting plan if deficiencies are identified during the review period. This ensures compliance with the City's lighting standards and allows for any necessary modifications based on public feedback or staff observations. Staff find the lighting plan acceptable based on its design and the professional judgment of the applicant's team but defer final evaluation to the Planning Commission.

Conclusion: A thirty-day review period will allow for adjustments if required based on public comments or staff inspections. Staff recommend the Planning Commission review and consider the proposed lighting plan, with the option to request additional information or adjustments as needed during the review period.

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.

Findings: The applicant has confirmed that no externally lit commercial signs are proposed for this development, and as such, the criterion is not applicable to the current proposal.

Conclusion: No externally lit commercial signs are proposed for this project; therefore, FCC 10-37-4(F) does not apply.

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.

Findings: The applicant has proposed full-cutoff walkway lighting, ensuring that light emissions are directed downward and meet the standard. This design complies with the requirements for pedestrian way lighting.

Conclusion: The proposed walkway lighting is full-cutoff, directing light emissions downward and below the horizontal plane as required.

TITLE 9: UTILITIES

TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT REQUIREMENTS

Findings: The stormwater management criteria outlined in FCC Title 9, Chapter 5, are reviewed in detail under AR 24 04 DR 03.

Conclusion: Any findings or conditions of approval from that application also apply to this application. Final PUD approval will be used to ensure these standards are met.

11-3-1 : TENTATIVE PLAN REQUIREMENTS:

The applicant seeks to replat Block 57, a previously platted subdivision, as defined under Florence City Code (FCC) 11-1-3. Replatting is defined as “Platting lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of lots or parcels in a recorded partition or subdivision plat or to increase or decrease the number of lots in a subdivision.” This proposal involves reconfiguring the existing 20 lots within Block 57 into three new lots: two for the Elm Park Apartments (EPA) and one for the Early Learning Facility (ELF). The replat process for Block 57 follows the procedures outlined in FCC 11-1-5:

1. Rights-of-Way Vacation (FCC 11-1-5-A): This procedure applies only when rights-of-way are to be vacated unless equivalent public easements are dedicated. In this proposal, the existing alleyway will remain unchanged, making this requirement inapplicable.
2. Partition or Subdivision Approval (FCC 11-1-5-B): The proposed replat aligns with the requirements for a partition under FCC 11-1-3 because it results in fewer than four lots. The applicant seeks to achieve this replat through a Planned Unit Development (PUD) process that satisfies both the tentative plan requirements under FCC 11-3-1 and the flexibility standards of the PUD ordinance under FCC 10-23.

The applicant also proposes specific orientations for the front lot lines of the new lots:

- Lot 1: Parallel to Greenwood Street.
- Lot 2: Parallel to Fir Street.
- Lot 3: Parallel to Greenwood Street.

The proposal adheres to the replat and partition provisions under FCC Chapters 11-1 and 11-2 and incorporates the flexibility the PUD ordinance provides for achieving this reconfiguration.

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

B Drafting: The tentative plan shall be submitted in both hard copy and electronic format and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (1) of any one of these scales.

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

Findings: The applicant submitted the tentative plan electronically, which is the preferred submission method by City staff to minimize paper retention. The tentative plan was prepared by KPFF, a reputable national employer of Oregon-registered engineers and licensed surveyors. The plan includes all pertinent information and is scaled at 1 inch = 20 feet, adhering to the standard scale requirements outlined in FCC 11-2-2. This electronic submission meets the expectations for providing clear and precise drafting in accordance with City standards.

Conclusion: The tentative plan meets the drafting requirements of FCC 11-2-2, including submission in electronic format, the inclusion of all pertinent information, and the use of a standard scale. This criterion is met.

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

1. Name and block numbering of proposed subdivision. Except for the words, "tow", "city", "plat", "court", "addition" or similar words, the name shall be clearly pronounced different than, the name of any other subdivision in the County unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.
2. The date, north point and scale of the drawing; a sufficient description to define the location and boundaries of the proposed subdivision area; and the names of all recorded subdivisions contiguous to such area.
3. The names and addresses of the owner and engineer or surveyor.
4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.
5. The locations, names and widths of all existing and proposed streets and roads. Said roads and streets shall be laid out so as to conform to subdivisions previously approved for adjoining property as to width, general direction and in other respects unless it is found in the public interest to modify the street or road pattern.
6. Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.
7. The elevations of all points used to determine contours shall be indicated on the tentative plan and said points shall be given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:

Contour Intervals Ground Slope

1'	0% to 5%
2'	5% to 10%
5'	Over 10%

8. The approximate grades and radii of curves of proposed streets.
9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.
10. The approximate radii of all curves
11. The general design of the proposed subdivision including the approximate dimensions of all proposed lots and parcels.
12. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.
13. The existing and proposed uses of the property including the location of all existing structures that the applicant intends will remain in the subject area.
14. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public water supply.
15. All proposals for sewage disposal, flood control and easements or deeds for drainage facility including profiles of proposed drainage ways.
16. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.
17. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.
18. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
19. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision is a part, provided that where the proposal comprises all of such area, an affidavit of such fact shall accompany the tentative plan.

Findings: The submitted tentative replat plan includes the required information as outlined in the applicable criteria. The plan provides details on the subdivision name and block numbering, property boundaries, and existing and proposed infrastructure, including streets, easements, and utilities. It includes general design elements, topographic information, and proposed public improvements. The plan meets the necessary drafting and informational standards for review.

Conclusion: The tentative replat plan satisfies the informational requirements for subdivisions. This criterion is met.

11-3-2 : REVIEW OF TENTATIVE SUBDIVISION: Within five (5) working days after the subdivision tentative plan is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the subdivision proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted unless an extension is requested.

Findings: The Planning department has distributed the tentative replat plan to the required entities, including the City Manager, public utilities, the County Health Department, and relevant government subdivisions, for their review and comments.

Conclusion: The proposal has undergone appropriate distribution and coordination as required by code, ensuring affected agencies have an opportunity to provide feedback.

11-3-3 : APPROVAL OF TENTATIVE SUBDIVISION: After giving notice as required by FCC 10-1-1-6, the Planning Director or its designee shall grant approval or deny the subdivision tentative plan. The hearing decision and further consideration of a similar application shall be reviewed under a Type II process as defined by paragraph 10-1-1-6 of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be based on compliance with the following criteria.

A. When the division of land results in remaining lots that are equal to or greater than twice the minimum lot size of the base zone, the application shall label it as a “Tract” and reserve it for open space as applicable or indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code. In either scenario the tract(s) or future lot layout shall not interfere with the orderly extension of adjacent streets, bicycle paths, and accessways.

1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.

Findings: The proposed subdivision does not include any remaining lots or tracts that are twice the minimum lot size of the base zone. Therefore, no tracts are reserved for open space, and no future lot layouts are required to be shown. The tentative plan demonstrates that the proposed configuration will not interfere with the orderly extension of adjacent streets, bicycle paths, or accessways. No restrictions on building within future rights-of-way are necessary, as no such areas are impacted by the proposed layout. All notices of the decision will be handled in a manner consistent with the code for a planning commission hearing notice of the decision.

Conclusion: The tentative subdivision plan complies with the requirements of FCC Title 11, including the standards outlined in FCC 11-3-3. The proposal ensures the orderly development of the site and surrounding areas.

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

- C. Adequate public facilities are available or can be provided to serve the proposed parcels.
- D. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan.
- E. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes including ORS Chapter 92, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

Findings: The proposed lots within the tentative subdivision plan comply with the development standards of the applicable base zone, including lot dimensions, configurations, and uses consistent with zoning requirements. Adequate public facilities, including sanitary sewer, water, and stormwater systems, are available or will be provided to serve the proposed lots, and access and circulation systems are appropriately planned to ensure safety and functionality. The application includes provisions for necessary dedication or conveyance of public rights-of-way or utility easements to meet applicable master plan standards, ensuring proper access, circulation, and utility service to the development and surrounding areas.

The tentative plan complies with the requirements of FCC Title 11, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, and applicable provisions of Oregon Revised Statutes, including ORS Chapter 92. The proposal aligns with the intent and purpose of Title 11 by supporting orderly development, ensuring public health and safety, and meeting applicable planning standards.

Conclusion: The proposed subdivision satisfies the development standards of the base zone, ensures adequate public facilities, provides necessary dedications or easements, and complies with all applicable local and state requirements. Based on these findings, the application meets the criteria for tentative subdivision approval.

11-3-5 : TENTATIVE PLAN, EFFECTIVE DATE: Unless appealed, the Planning Director decisions under this chapter shall become effective on the thirty first day after rendered. The applicant may then proceed with final surveying and preparation for final approval consideration of the subdivision plat. Tentative plan approval shall be effective for two years, unless approved as a phased subdivision tentative plan consistent with Section 11-3-8, within which time the application and subdivision plat must be submitted as required by this Title. An applicant may apply to the Planning Director for two (2) extensions of twelve (12) months each. A decision to extend the approval shall be based on compliance with the following criteria:

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

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

11-3-6 : TENTATIVE PLAN, APPEAL OF DECISIONS: The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-7 of this Code.

Findings: The proposed tentative plan complies with all applicable standards outlined in the Florence City Code, including the requirements for the effective date and duration of tentative plan approvals. While decisions under this chapter are typically governed by the Planning Director, the current proposal falls under the jurisdiction of the Planning Commission. Tentative plan approval will remain effective for two years, during which the applicant must submit the final subdivision plat as required. Extensions of up to two 12-month periods may be granted by the Planning Commission, provided the request is made in writing before the original approval expires, special or unusual circumstances exist to warrant an extension, and no material changes to surrounding land uses or zoning have occurred. In the absence of these conditions, the applicant would need to restart the process to reflect any changed conditions. In the case of an appeal, it shall be processed in accordance with the FCC code for decisions for the Planning Commission.

Conclusion: The tentative plan approval is governed by the Planning Commission and will be effective for two years, allowing the applicant sufficient time to proceed with final surveying and preparation for final subdivision plat approval. Extensions may be granted under the specific criteria outlined in the Florence City Code, ensuring procedural flexibility while maintaining consistency with the surrounding land uses and zoning regulations.

11-3-7 : PHASED SUBDIVISION TENTATIVE PLAN: The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved by Planning Director for the entire phased subdivision, and each individual phase receives separate final plat approval from the Planning Director. Planning Director shall approve a phased subdivision tentative plan, provided affirmative findings can be made that: (Ordinance No. 7, Series 2019)

- A. The proposed subdivision meets the Tentative Plan requirements outlined in 11-3-1 through 11-3-4.
- B. The proposed subdivision includes the following elements:
 - 1. A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction fo all required public infrastructure in each phase.
 - 2. Connectivity for streets and public utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.
 - 3. Each phase will have public improvements that meet the infrastructure capacity requirements for the development and meet the requirements of City Code and city design standards.
 - 4. Each phase is designed in such a manner that each phase supports the infrastructure requirements for the phased subdivision as a whole.
- C. If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.

- D. Phasing: Subdivisions approved for multi-phased development may apply for final plat approval by phase, in the following manner:
1. The first phase of development shall apply for final plat approval within two (2) years from the date of the tentative plat approval;
 2. The second phase of development shall apply for final plat approval within two (2) years after the final plat approval of the first phase;
 3. Subsequent phases shall file for final plat approval within two (2) years after the final plat approval for the preceding phase, with all phases filed within eight (8) years of the tentative plan approval.

Findings: The proposed replat for the Elm Park PUD is not being submitted as a phased subdivision and does not include any elements or conditions that would require phased subdivision approval. The application does not include a phasing plan, nor does it propose separate phases for infrastructure or lot development. Consequently, the provisions of FCC 11-3-7 governing phased subdivisions are not applicable to this proposal. The replat involves the reconfiguration of Block 57 into three lots and does not necessitate consideration of connectivity, sequencing, or phased public improvements.

Conclusion: The replat of Block 57 is not a phased subdivision, and the standards and requirements outlined in FCC 11-3-7 are not applicable. The proposal will proceed under the criteria for a standard replat without additional considerations for phasing.

IV. SUMMARY CONCLUSION AND STAFF RECOMMENDATION:

This request by the applicant to approve the Elm Park Planned Unit Development (PUD) and replat of Block 57 into three lots, situated in the City of Florence's city limits and located on Assessor's Map 18-12-27-31, Tax Lots 01100 & 01200, meets or is capable of meeting through conditions of approval all of the applicable decision criteria for both a Planned Unit Development and a replat under the City of Florence's code.

Therefore, based on the information in Sections I and II of this report and the above review criteria, findings of fact, and conclusions contained in Section III, **Staff recommends** the Planning Commission **APPROVES** this Planned Unit Development and Replat, PC 24 27 PUD 01 & PC 24 28 SUB 01, with **conditions of approval** and **modifications** from Section V of this report.

V. CONDITIONS OF APPROVAL: *These conditions are related to the code in the order they were evaluated in the report and shall be reviewed for compliance not on their own but with the applicable code sections and staff findings.*

1. Open space and stormwater shall be revised to ensure they do not overlap.
2. Transit tickets provided shall be made available to all PUD residents, not just those commuting.
3. Sidewalks shall not be blocked by charging infrastructure.

4. Reciprocal access easements shall be provided for all parking areas in the PUD.
5. The applicant shall record the necessary easement and joint maintenance agreement to ensure proper maintenance and functionality of the shared access areas.
6. Applicant shall submit full construction plans for the driveway aprons, sidewalks, and ramps for review and approval by the Public Works Director.
7. The applicant shall ensure that sidewalk construction is completed in compliance with FCC requirements.
8. Applicant shall submit evidence of USPS approval for mailbox plans to the Florence Planning Director.
9. The Public Works Department shall review and approve the applicant's stormwater, sewer, and water plans before the issuance of development permits.
10. This application is null and void without the approval of PC 24 39 DR 13 (streets/infrastructure project)

MODIFICATIONS REQUESTED: *These modifications must be approved as part of the PUD process for the application to be approved.*

1. Reduce front and street-side yards from 20 feet to 10 feet for Lots 1, 2, and 3. This reduction permits an additional 9,000 square feet for dwelling units.
2. Reduce separation between Buildings A, B, and C from 30 feet to 19 feet 7 inches. Buildings B, D, and E are arranged end-to-end with a minimum separation of 10 feet.
3. Restrict wall heights to 4 feet in some yard areas and allow 6-8 feet in others, as detailed in the applicant's plans:

Lot 1:

- a. Front Yard: 4 feet in height from the alley to the south wall of Building C, increasing to 6-8 feet extending to the northern lot line.
- b. North Side Yard: 6-8 feet.
- c. Western Rear Yard: 6-8 feet, except for 4 feet between the southern wall of Building A and the alley.

Lot 2:

- d. Front Yard: 4 feet from the alley to the north wall of Building D, increasing to 6-8 feet from the north wall to the southern lot line.
- e. South Side Yard: 6-8 feet.
- f. Eastern Rear Yard: 6-8 feet.

Lot 3:

- g. Front Yard (eastern lot line): 4 feet.

4. Reduce the required open space from 20% to 15.9% for the EPA. This reduction is offset by enhanced recreational amenities, including a playground, a community garden, and a community room, which exceed recreational requirements and compensate for the reduced open space.

5. Approve buffering between the ELF and Apartment Building E using a 12-foot one-way drive lane, a 5-foot sidewalk, and a 6-foot wood fence. Allow optional substitution of a 6-foot Escallonia hedge in place of the wood fence without further approval.
6. Approve placement of Buildings A and B within the 65-foot riparian buffer of RAIR-B, based on the exempt public facilities infrastructure project creating a protective barrier to prevent adverse effects on the riparian area.
7. Reduce the minimum parking requirement from 50 spaces to 41 spaces for the EPA. This reduction is supported by a parking demand analysis and transit-related factors. A condition of approval (#2) ensures that transit tickets provided by the applicant are available to all residents of the PUD, not solely those commuting.

VI. EXHIBITS

**ELM PARK PUD
COMBINED RECORD**

PC 24 27 PUD 01 (PUD)
PC 24 28 SUB 01 (Replat)
AR 24 04 DR 03 (Apartments)
PC 24 38 DR 12 (Early Learning)

<u>Id. No.</u>	<u>Date</u>	<u>Description</u>	<u>Status</u>	<u>Comments</u>
1	6-12-24	<i>Pre-Application</i>	Good	
2	6-12-24	<i>Attachment to Pre-Application</i>	Good	Property details and POI/Comp. Plan HDR.
3	6-12-24	Ex. A Block 47 Legal Description and Plat	Superseded	See No. 16 and No. 17.
4	6-12-24	Ex. B FATCO Property Report	Superseded	See No. 18.
5	6-12-24	Ex. C Topographical Map	Superseded	See No. 19.
6	6-12-24	Ex. D Lane County Property Info.	Good	
7	6-12-24	Ex. E Enhanced Parcel Map	Superseded	See No. 21 and No. 22.
8	6-12-24	Ex. F Colored Site Plan	Superseded	See No. 21 and No. 22.
9	6-12-24	Ex. G Photos of Architectural Style	Superseded	See No. 23.
10	6-12-24	Ex. H Clemow Traffic Study	Good	See No. 26.
11	6-12-24	Ex. I Traffic Calculations	Superseded	See No. 27.
12	6-12-24	Ex. J Dimensioned Site Plan	Superseded	See No. 21 and No. 22.
13	6-12-24	Ex. K Rendered Site Plan	Good	
14	7-31-24	<i>PUD and Replat Application Form</i>	Good	
15	7-31-24	<i>Combined Attachment to PUD/Replat App</i>	Good	
16	7-31-24	Ex. A-1 Parcel Map With Existing 20 Lots	Good	
17	7-31-24	Ex. A-2 Parcel Map with Replat of Three Lots	Superseded	See No. 65 for tent. part. plats No. 1-2.
18	7-31-24	Ex. B Title Reports on EPA Lots and ELF Lot	Good	
19	7-31-24	Ex. C ALTA Survey on EPA Lots and Elf Lot	Superseded	See No. 44.
20	7-31-24	Ex. D Map of North 9 th St. Infra. Project	Superseded	See No. 66.
21	7-31-24	Ex. E-1 EPA Dimensioned Site Plan	Superseded	See No. 32 and No. 34.
22	7-31-24	Ex. E-2 ELF Dimensioned Site Plan	Superseded	See No. 33 and No. 36.
23	7-31-24	Ex. F EPA Preliminary Architectural	Superseded	See No. 34.
24	7-31-24	Ex. G ELF Preliminary Architectural	Superseded	See No. 36.
25	8-9-24	Ex. H Landscape Plan	Superseded	See No. 50 and No. 67.
26	7-31-24	Ex. I Clemow Parking Study	Good	
27	7-31-24	Ex. J Parking Demand Calcs. Clemow Data	Superseded	See No. 52.
28	7-31-24	Ex. K Open Space and Recreational Space	Good	
29	9-1-24	<i>Design Review Application Form</i>	Good	
30	9-1-24	<i>Attachment to Design Review Form</i>	Good	
31	9-1-24	Ex. 1 Block 57 Wetlands Report	Questioned	See No. 78 and No. 79.
32	9-1-24	Ex. 2 EPA Preliminary Engineering	Superseded	See No. 69.
33	9-1-24	Ex. 3 ELF Preliminary Engineering	Superseded	See No. 73.
34	9-1-24	Ex. 4 EPA Preliminary Architectural	Superseded	See No. 70.
35	9-1-24	Ex. 5 EPA Stormwater Report	Superseded	See No. 71.
36	9-1-24	Ex. 6 ELF Preliminary Architectural	Superseded	See No. 74.
37	9-1-24	Ex. 7 ELF Stormwater Report	Superseded	See No. 75.
38	9-16-24	<i>NOIC PUD</i>	Good	
39	9-26-24	<i>Response to NOIC PUD</i>	Good	
40	9-26-24	<i>NOIC Revised Combined Attachment</i>	Good	
41	9-26-24	Ex. A-1 Parcel Map With Exiting Twenty Lot	Good	

<u>Id. No.</u>	<u>Date</u>	<u>Exhibit</u>	<u>Description</u>	<u>Status</u>	<u>Comments</u>
42	9-26-24	Ex. A-2	Parcel Map with Proposed Replat of Three Lots	Superseded	See No. 65 for tentative partition plats.
43	9-26-24	Ex. B	Title Reports on EPA Lots and ELF Lot	Good	
44	9-26-24	Ex. C(1)	ALTA Survey on EPA Lots and Elf Lot (Rev)	Good	Adds wetland setback NW corner.
45	9-26-24	Ex. D	Map of North 9 th Street Infrastructure	Superseded	See No. 66.
46	9-26-24	Ex. E-1(1)	EPA Dimensioned Site Plan (Rev)	Good	
47	9-26-24	Ex. E-2(1)	ELF Dimensioned Site Plan	Good	
48	9-26-24	Ex. F	EPA Preliminary Architectural	Good	
49	9-26-24	Ex. G	ELF Preliminary Architectural	Good	
50	9-26-24	Ex. H(1)	Landscape Plan (Rev)	Superseded	See No. 67.
51	9-26-24	Ex. I	Clemow Parking Demand Study	Good	
52	9-26-24	Ex. J(1)	Parking Demand Calc Clemow Data	Good	
53	9-26-24	Ex. K	Open Space and Recreational Space	Good	
54	9-26-24	Ex. L	Traffic Impact Study (New)	Good	
55	9-26-24	Ex. M	Dept. Env. Qlty LUCS (New)	Good	
56	9-26-24	Ex. N-1	Preliminary Eng. Plans for EPA (New)	Good	
57	9-26-24	Ex. N-2	Preliminary Eng. Plans for ELF (New)	Good	
58	10-18-24		<i>NOIC – Replat Application</i>	Good	
59	10-18-24		<i>NOIC – EPA Design Review</i>	Good	
60	10-21-24		<i>NOIC – ELF Design Review</i>	Good	
61	11-1-24		<i>Response to NOIC – Replat Application</i>	Good	
62	11-1-24		<i>Response to NOIC – EPA Design Review</i>	Good	
63	11-4-24		<i>Response to NOIC – ELF Design Review</i>	Good	
64	11-4-24		<i>Supplemental PUD/Replat Exhibits</i>		
65	11-4-24	Ex. A-2(1)	Tentative Partition Plans	Good	
66	11-4-24	Ex. D(1)	50% Plans for City Infrastructure	Good	
67	11-4-24	Ex. H(2)	Landscape Plans	Good	Changes plants on soaking trenches
68	11-4-24		<i>Supplemental DR Exhibits</i>		
69	11-4-24	Ex. 8	EPA Civil	Good	
70	11-4-24	Ex. 9	EPA Architectural	Good	
71	11-4-24	Ex. 10	EPA Stormwater Report	Good	
72	11-4-24	Ex. 11	EPA Electrical	Good	
73	11-4-24	Ex. 12	ELF Civil	Good	
74	11-4-24	Ex. 13	ELF Architectural	Good	
75	11-4-24	Ex. 14	ELF Stormwater Report	Good	
76	11-4-24	Ex. 15	ELF Electrical	Good	
77	12-6-24		<i>Supplemental PUD Exhibits Regarding Wetlands and SHPO</i>		
78	12-5-24	Ex. O	City Wetlands Report ROWs	Good	Two Wetlands are in City ROW
79	12-5-24	Ex. P	Email Chain 12-5-24 and 12-6-24	Good	City Takes Responsibility for Wetlands Compliance
80	12-4-24	Ex. Q	Letter from SHPO regarding site	Good	
81	12-9-24	Ex. R	Email from Mike Miller regarding 8 ELF parallel parking spaces	Good	Space for parallel spaces is being included in infrastructure plans