

**FINDINGS OF FACT  
FLORENCE PLANNING COMMISSION  
Exhibit "AA2"**

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**Public Hearing Date:** December 17, 2024     **Planner:** Henry Hearley

**Application:** PC 24 38 DR 12 (Elm Park Early Learning Facility)

**I. PROPOSAL DESCRIPTION**

**Proposal:** A Design Review application for development of an early learning facility ("ELF") to provide early/learning and childcare for up to 80 children during the school day and after-school care. The ELF site is 0.37 acres and is part of the larger Elm Park PUD Development.

**Applicant:** Chestnut Management, LLC, an Oregon limited liability company

**Property Owner:** City of Florence

**Location:** West of Highway 101, north of 9<sup>th</sup> Street and west of Greenwood Street located kitty-corner to the Florence Justice Center. ELF site at the southeast corner of Greenwood Street and 10<sup>th</sup> Street.

**Site:** Map #18-12-27-31 Tax Lots 01100 & 01200

**Comprehensive Plan Map Designation:** West Ninth Street Area

**Zone Map Classification:** Professional Office/Institutional (POI) (Mixed-Use)

**Surrounding Land Use / Zoning:**

Site: Undeveloped / POI  
 North: Undeveloped / POI  
 South: Undeveloped / POI  
 East: Florence Justice Center (southeasterly) & Undeveloped  
 West: Undeveloped / POI

**Streets / Classification:**

To the south - Ninth Street / Minor Arterial; To the east - Greenwood / Local Street

**II. NARRATIVE:**

The ELF will provide early learning and childcare services for up to 80 children, including both school-day and after-school care. The ELF site spans 0.37 acres (15,997.5 square feet). It will accommodate Head Start and Early Head Start programs in two classrooms operated by Head Start of Lane County. Families with incomes below 100% of the federal poverty line are eligible for Head Start. In addition, two classrooms will be leased to community childcare providers for children who are not eligible for Head Start. The

building will be approximately 5,500 square feet, with about 2,250 square feet designated as outdoor play area—part of which will be for children aged 3 to 5 years and the rest for children aged 18 months to 3 years. The ELF's architecture and building quality will be consistent with that of the Elm Park Apartments (EPA).

Construction is anticipated to begin on April 1, 2025.

Because the Elm Park PUD includes both the EPA and 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.

Proposed

**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><b>Id. No.</b></u>	<u><b>Date</b></u>	<u><b>Description</b></u>	<u><b>Status</b></u>	<u><b>Comments</b></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 <sup>th</sup> 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 <sup>th</sup> 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	

### III. MODIFICATIONS REQUESTED

Modifications requested for the Elm Park PUD are addressed in both the EPA and PUD Findings of Fact. In instances where a modification pertains specifically to the ELF, it is discussed in these Findings of Fact. However, for the most part, the requested modifications apply throughout the entire PUD.

#### IV. NOTICES & 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 Florence Public Works and Building Departments; Central Lincoln PUD; Siuslaw Valley Fire and Rescue/Western Lane Ambulance; County Transfer and Recycling, Lane Transit District, Rhody Express Operator, Charter, Century Link, and DSL.

At the time of this report, no referral comments were received.

#### V. APPLICABLE REVIEW CRITERIA

Criteria Applying to this Matter for the application include:

**Florence City Code, Title 10: Zoning Regulations**

(found at <http://www.ci.florence.or.us/council/title-10-zoning-regulations>)

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

Chapter 3: Off-Street Parking and Loading, Sections 3, 4, 5, 8, 9, 10

Chapter 7: Special Development Standards, Section 4

Chapter 25: Professional Office/Institutional District, Sections 3, 4, and 5.

Chapter 34: Landscaping, Sections 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, and 5R

**Florence City Code, Title 9: Utilities**

Chapter 5: Stormwater Management Requirements, Sections 1 through 7

#### VI. FINDINGS

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

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#### FLORENCE CITY CODE

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#### TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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**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 [...]

[...]

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;...

**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)

Applicant duly responded to the City's Notice of Incomplete Application by submitting additional materials dated September 26, 2024, November 4, 2024, and November 5, 2024. Submittals were received by the City at least 30-days prior to the hearing. This criterion is met.

#### **10-1-1-5: GENERAL PROVISIONS**

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

The application was deemed complete by the Planning Department as of November 26, 2024. The Planning Commission's public hearing was held with proper notification processes on December 17, 2024. This criterion has been met.

#### **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:**
  5. **New construction requiring Design Review by the Planning Commission.**

New construction requires Type III Design Review conducted by the Planning Commission.

#### **B. Notification of Hearing:**

1. **At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided**

to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.

[...]

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

Notice of the application was provided to property owners within 300 feet of the subject property and posted on the property 20 days prior to the public hearing, on November 26, 2024. A public hearing notice was published in Siuslaw News on December 4, and December 11, 2024.

**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.**

The notice contained all the required information listed in FCC 10-1-1-6-3-C. This criterion has been met.

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

**E. Action by the Planning Commission:**

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.**

On December 17, 2024, the Planning Commission held a duly noticed public hearing per the procedures of FCC 2-3 and FCC 2-10 to consider the matter, evidence relevant to the issue, the facts within the record, and any applicable public testimony received.

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

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

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**TITLE 10: CHAPTER 3: OFF-STREET PARKING AND LOADING**

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**10-3-3: MINIMUM STANDARDS BY USE:** The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

- A. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking.
- 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.

Parking for ELF is proposed as a total of 11 parking spaces. Three behind the ELF, including one ADA and eight in rights-of-way.

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 on-going 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.

Applicant is not seeking a transit-related parking reduction for ELF.

**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.**

**B. Institutions and Public Assembly Types:**

Elementary, middle school and other children's day schools Daycare, adult or child day care (does not include Family Daycare (12 or fewer children under ORS 657A.250))	1 space per classroom, or as determined by the Planning Commission  1 space per 500 sq. ft. of floor area
High schools Colleges and universities	7 per classroom, or as determined by the Planning Commission
Educational Services, not a school (e.g., tutoring or similar services)	1 space per 500 sq. ft. floor area
Libraries, reading rooms, museums, art galleries and Community Service Facilities	1 space per 200 sq. ft. of floor area
Churches and other places of worship	1 space per 50 sq. ft. of main assembly area; or as determined by the Planning Commission, as applicable
Stadiums, grandstands, coliseums, auditoriums	1 space for each 4 persons of seating capacity, except that on-street parking in non-residential and theaters areas, within 1,000 feet of the main assembly area may be used toward fulfilling this requirement.

The standard for a daycare is one parking space per 500 square feet of floor area. As seen on the site plan for ELF (Exhibit E-2), the ELF is 5,500 square feet in area. Therefore, a total of 11 parking spaces are required.

The applicant meets this standard by:

3 off-street parking spaces provided behind the ELF (one is ADA accessible); and 8 provided on-street on 10<sup>th</sup> Street and Greenwood.

The ELF will also feature a one-way drop off zone from the alleyway. Appropriate signage will be placed announcing the drop off zone is one-way. Criterion met.

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

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off-street parking requirements in Table 10-3-1;**

Table 10-3-2 addresses the required accessible parking under FCC 10-3-5. ELF provides 11 parking spaces, so the applicant must provide one (1) accessible space. They can be separated by a single 96" wide access aisle. The ELF Site provides the one required accessible space. Refer to Exhibit E-2. Criterion met.

- 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;**

The ELF site plan shows that accessible parking is located at the front of the main entrance to ELF and offers an unobstructed pedestrian pathway. Criterion met.

- C. Accessible spaces shall be grouped in pairs where possible;**

One space is required, so this criterion does not apply.

- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;**

Covered parking is not proposed. Criterion not applicable.

- 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 addresses the required accessible parking under FCC 10-3-5. ELF provides 11 parking spaces, so the applicant must provide one (1) accessible space.

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	<i>Column A</i>		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles			
**one out of every 8 accessible spaces			
***7 out of every 8 accessible parking spaces			

They can be separated by a single 96" wide access aisle. The ELF Site provides the one required accessible space. Refer to Exhibit E-2. Criterion met.

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

As shown on the site plan for both the EPA and ELF, the proposed parking areas will be constructed with standard asphalt pavement, as indicated in the notes.

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

A buffer and screening are required between Apartment Building E and the ELF. According to FCC 10-34-3-7-D, a "15-foot buffer with a 6-foot solid wood fence or block wall, or a 15-foot landscaped buffer" is required between commercial and multi-unit residential uses. The 12-foot one-way drive area to the west of the ELF, along with the west sidewalk, creates a 17-foot buffer. Applicant proposes a 6-foot escallonia hedge just west of the sidewalk, with the option to replace it with a 6-foot wood fence or block wall if needed. For further details on applicant's request for a minor relaxation of this standard to accommodate the proposed buffer, please see the section below on Policies Served and Modifications Requested. See written narrative in record, tracker item #40.

**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.**

The site plan, civil drawings, show a curb that separates the parking stall from the pedestrian walkway and is six inches in height. Refer to Exhibit 12. This criterion is met.

- 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.**

A 10' wide landscaped area is proposed at the far northeast corner of the ELF where the alleyway meets Greenwood Street.

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

No parking area is proposed to extend into the public right-of-way, although the parking area is located immediately north and south of the center of a 20-foot-wide alleyway that separates the EPA and ELF sites. Additionally, on-street parking is proposed (and permitted) for the ELF site. This criterion is met.

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

Lighting is discussed in review of FCC 10-37.

- I. Except for single-family 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.**

Maneuvering will occur in an alley, which is permitted per this provision. On-street parking is permitted on 10<sup>th</sup> Street and Greenwood Street. Criterion met.

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

As seen on the site plan (Exhibit E-2), parking spaces are not located in required front or side yards.

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

Planning review for these parking lot construction projects is a part of these design review applications. This criterion is met.

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

- 1. Individual parking and loading spaces.**
- 2. Circulation area.**
- 3. Access to streets and property to be served.**
- 4. Curb cut dimensions.**
- 5. Dimensions, continuity and substance of screening, if any.**
- 6. Grading, drainage, surfacing and subgrading details.**
- 7. Obstacles, if any, to parking and traffic circulation in finished parking areas.**
- 8. Specifications for signs, bumper guards and curbs.**
- 9. Landscaping and lighting.**

Preliminary parking details have been drafted and submitted by the applicant sufficient for staff design review of the proposal. Criterion met.

**10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for single-family and duplex homes) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:**

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.**
- B. Each space shall have double line striping with two feet (2') wide on center.**
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.**

- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

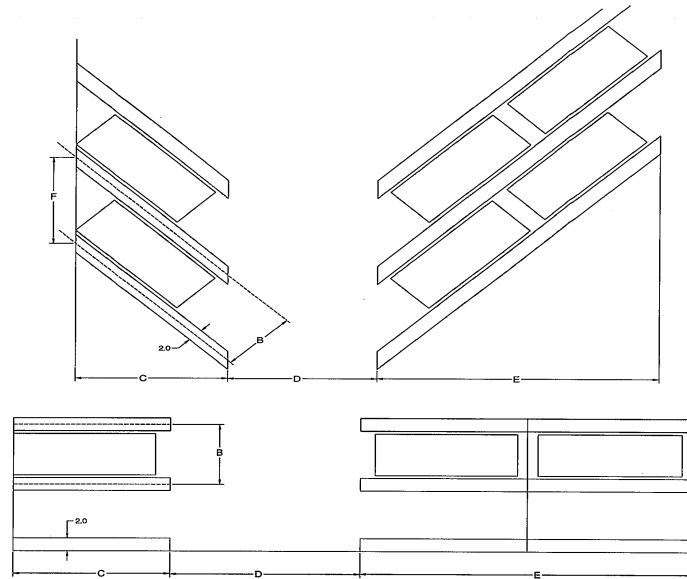


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
Space Dimensions in feet	Parking Angle <°	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

The site plan shows the dimensions of a typical parking stall (90 degree angle) at 9.5' wide and 19' deep. Criterion met.

**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.**

Applicant proposes two short-term bicycle parking spaces. Actual size of the spaces is not provided on the applicant's sheets. The applicant shall submit a plan to the Florence Building Department showing the bicycle parking spaces to be provided are at least two feet by six feet. **(Condition 4)** Criteria conditionally met.

- 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.**

At 11 required parking spaces, the equates to two short-term bicycle parking spaces. Two are provided. Criterion met.

- A. 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**

Criterion not applicable for ELF.

- 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.**

Two short term bicycle parking spaces are provided right at the front main entrance to the ELF.

- 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;**

Bicycle parking is centrally located at the front and main entrance to the ELF. Criterion met.

- 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.**

The front main entrance to the ELF will be appropriately illuminated. Criterion met.

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



Signage indicating reserved areas for bicycle parking is not shown on any of the applicant's sheets or site plans. It is unclear whether this standard applies to short-term, long-term, or both types of bicycle parking.

- 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.**

The applicant's proposed bicycle parking plan does not impede or create any pedestrian hazards, based on staff's review of the sheets provided by the applicant. Criterion met.

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**TITLE 10: CHAPTER 6: DESIGN REVIEW**

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**10-6-3: GENERAL APPLICABILITY:****A. Planning Commission/ shall:**

- 1. Unless otherwise directed by the underlying zoning district, or subsection (B) below, review the following through a Type III process consistent with FCC 10-1-1-6-3 prior to issuance of a building permit:**

- a. New construction,**

New construction is a Type III review by the Planning Commission.

**10-6-5: GENERAL APPROVAL CRITERIA:****10-6-5-1: GENERAL CRITERIA FOR NONRESIDENTIAL DEVELOPMENT**

Nonresidential projects shall meet the following criteria. The Planning Commission or Planning Commission or their designee may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Commission or their designee shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following:

- A. Setbacks, yards, height, density and similar design features according to the underlying zoning district.**
- B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.**
- C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.**
- D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to**

standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.

- E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.
- F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.
- G. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.
- H. Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan, and in applicable zoning districts.
- I. Exterior lighting and security.
- J. Public health, safety and general welfare.
- K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.
- L. Requiring a time period within which the proposed use or portions thereof shall be developed.
- M. Requiring bonds to insure performance of special conditions. (Ord. 625, 6-30-80)
- N. Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan. (Ord. 680, 1- 11-83)

These design elements are evaluated according to the relevant code sections outlined in the findings of fact presented herein.

**10-6-6-4: PERMITTED VISIBLE BUILDING MATERIALS:** Building materials which have the same or better performance may be substituted for the materials below provided that they have the same appearance as the listed materials.

**A. Exterior Building Walls:**

1. Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted.
2. Brick or stone masonry with a minimum 2 ½" deep solid veneer material.
3. Cement-based stucco.
4. Secondary materials: Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non-reflective and compatible with the overall building design, subject to approval. Secondary materials may be used on up to 30% of the façade.

The applicant's written narrative and Exhibit 13 indicate that the primary exterior wall material will be horizontal lap siding with a maximum exposure of 6 inches. From an architectural standpoint, the exterior design will closely resemble the EPA, ensuring a cohesive and visually appealing look and feel for the Elm Park PUD.

**B. Roofs, Awnings, Gutters, and Visible Roofing Components:**

1. **Composition shingles, concrete, slate or cedar shingles, or concrete or clay tiles. Red composition shingle similar to the Kyle Building are encouraged.**
2. **Standing seam roofing: copper, terne metal or coated metal.**
3. **Gutters and downspouts: copper, terne metal, or coated metal.**
4. **Single or multi-ply roofing, where visibly concealed.**
5. **Glass, steel, wood or canvas fabric awnings.**
6. **Skylights: metal and wood framed glass and translucent polymer.**

Exhibit 13 indicates the roof will be standing seam roofing, morin blue gray.

**C. Chimney Enclosures: Brick, cement-based stucco, stone masonry or wood shingles.**

A chimney is not proposed as part of the proposal. Criterion not applicable.

**D. Windows, Entrances, and Accessories:**

1. **Wood, vinyl or pre-finished metal frames and sashes.**
2. **Glazed and unglazed entry doors shall be wood, pre-finished or coated metal or fiberglass.**
3. **Solid wood or fiberglass shutters.**
4. **The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.**

Exhibit 13 shows windows will be vinyl with wood trim, similar to windows on EPA.

**E. Trellises, Decks, Stairs, Stoops, Porches, and Balconies**

1. **Architectural concrete, brick and stone masonry, solid wood or fiberglass columns, posts, piers and arches.**
2. **Wood, brick, concrete and stone masonry decks, stoops, stairs, porches, and balconies.**
3. **Solid wood, painted welded steel or iron trellises.**
4. **Railings, balustrades, and related components shall be solid wood, painted welded steel or iron**

Not proposed, therefore, not applicable to ELF.

**F. Landscape/Retaining Walls and Fences: Shall be subject to the FCC 10-34 and the following requirements:**

1. **Brick and stone masonry or precast concrete.**
2. **Architecturally finished exposed concrete.**
3. **Cement-based stucco over masonry or concrete substrate.**

4. Solid wood pickets, lattice and boards.
5. Painted welded metal or iron.

A stone masonry landscaping/retaining wall, near the main entrance in the landscaped area, is proposed. See Exhibit 13 (Perspective View).

- G. Building and Site Material Colors:** Color finishes on all building exteriors shall be approved by the City and be of a muted coastal Pacific Northwest palette. Reflective, luminescent, sparkling, primary, and “day-glow” colors and finishes are prohibited. The Planning Commission/Planning Commission or their designee may approve adjustments to the standards as part of a site Design Review approval.

The same color scheme of muted coastal Pacific Northwest palette is proposed for the entire PUD and all buildings to be constructed in the PUD. The color patterns are broken up throughout the PUD to differentiate buildings but create a uniform appearance that is pleasing visually. Refer to Exhibit 13.

#### **10-6-6-5: MATERIAL APPLICATIONS AND CONFIGURATIONS:**

##### **A. Building Walls:**

1. For each building, there shall be one single, clearly dominant exterior wall material and finish.
2. Brick and stone front façades shall return at least 18” around side walls.
3. Building walls of more than one materials shall change along horizontal lines only, with a maximum of three materials permitted per façade.
4. Heavier materials, such as stone, shall only be used below lighter materials, such as siding.
5. Siding and shingles shall have a maximum 6” to the weather.
6. 4” minimum width corner, skirt, rake and eave trim shall run the full height of each façade, flush, or protrude beyond the surrounding wall surface.
7. Board and batten siding: battens shall be spaced a maximum of 8” on center.

##### **B. Roofs, Awnings, Gutters and Roofing Accessories:**

1. Visibly sloped roofs shall pitch a minimum of 5:12 to a maximum 12:12 with symmetrical gable or hip configuration.
2. Eaves shall be continuous except at sheds and dormers.
3. Shed roofs shall attach to the main building wall or roof ridge with minimum 3:1 slope.
4. Flat roofs shall be concealed by cornices or parapets.
5. Gutters shall be round or ogee profile. Leaders shall be round or square.
6. All roof-mounted components such as mechanical equipment shall not be visible from streetlevel public rights-of-way.
7. Sloped roof eaves shall overhang exterior wall planes at least 12” and shall be visibly supported by exposed rafter ends or other compatible architectural detailing.

As outlined in the applicant's written narrative and depicted in Exhibits 9 and 13, the primary exterior wall material will be Hardie lap siding, featuring a 6-inch exposure and a painted finish. The color scheme will include complementary shades, with transitions occurring at wall articulations. Vertical lines will be introduced periodically through secondary elements such as board and batten or shingles. The main roof of the ELF will have a minimum slope of 5:12, transitioning to a 3:12 slope toward the ground to create a multi-tiered appearance for the building.

In keeping with the EPA, all windows will be rectangular, with some double-wide windows grouped within the same horizontal opening, separated by 4-inch trim.

The building walls, roofs, awnings, gutters, and roof accessories will closely match those of the EPA, ensuring a uniform yet contrasting aesthetic throughout the PUD.

#### **C. Towers:**

- 1. Slender towers of a maximum 400 square feet in area are permitted to exceed the building height limit.**
- 2. Towers on residential and commercial buildings shall be occupiable with windows. Community buildings may feature unoccupiable towers.**
- 3. Commercial signage may not be placed on towers.**
- 4. Tower separation shall be minimum of 100 feet.**

No towers are proposed as part of the project. Criterion not applicable.

#### **D. Visible Windows, Glazing, and Entrances:**

- 1. Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.**
- 2. 10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.**
- 3. Bay windows shall have visible bracket support.**
- 4. Overhead doors shall not face the building's primary street façade or a major public right-of-way.**
- 5. Door and window shutters shall be sized to cover the entire window.**
- 6. Exterior shutters shall be solid wood or fiberglass.**
- 7. No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.**
- 8. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4" minimum width vertical trim.**
- 9. Windows and doors in exterior walls shall be surrounded with 2 ½" minimum width trim applied flush or projecting beyond the finished wall surface.**
- 10. Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.**

#### **E. Visible Windows, Glazing, and Entrances:**

- 1. Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.**

2. 10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.
3. Bay windows shall have visible bracket support.
4. Overhead doors shall not face the building's primary street façade or a major public right-of-way.
5. Door and window shutters shall be sized to cover the entire window.
6. Exterior shutters shall be solid wood or fiberglass.
7. No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.
8. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4" minimum width vertical trim.
9. Windows and doors in exterior walls shall be surrounded with 2 ½" minimum width trim applied flush or projecting beyond the finished wall surface.
10. Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.

As outlined in the applicant's written narrative and depicted in Exhibits 9 and 13, the primary exterior wall material will be Hardie lap siding, featuring a 6-inch exposure and a painted finish. The color scheme will include complementary shades, with transitions occurring at wall articulations. Vertical lines will be introduced periodically through secondary elements such as board and batten or shingles. The main roof of the ELF will have a minimum slope of 5:12, transitioning to a 3:12 slope toward the ground to create a multi-tiered appearance for the building.

In keeping with the EPA, all windows will be rectangular, with some double-wide windows grouped within the same horizontal opening, separated by 4-inch trim.

The building walls, roofs, awnings, gutters, and roof accessories will closely match those of the EPA, ensuring a uniform yet contrasting aesthetic throughout the PUD.

**E. Visible Decks and Balconies:** All balconies and decks attached to building faces, whether cantilevered or supported below or above, shall be visibly supported by vertical and horizontal elements such as brackets, columns, or beams. Exterior posts and columns, solid or encased, shall be minimum 5 ½" in cross-section.

Decks and balconies are not proposed for the ELF. Criterion not applicable.

**F. Visible Landscape/Retaining Walls and Fences:**

1. Freestanding concrete and masonry walls shall be minimum 8" nominal thickness with a finished top course, cap, or other compatible termination.
3. Metal and iron fencing shall be configured in predominately vertical elements

A stone masonry landscaping/retaining wall, near the main entrance in the landscaped area, is proposed. See Exhibit 13 (Perspective View). Thickness is unclear but appears to meet standards.

**G. Mechanical Equipment:**

**1. Building walls.** Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, are permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant with FCC 10-34. Standpipes, meters, vaults, and similar equipment need not be screened, but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.

Per the applicant's narrative, mechanical equipment is indoors.

**2. Rooftops.** Except as provided below, rooftop mechanical units shall be setback and/or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City decision body may approve painting of the mechanical units in lieu of screening; such painting shall meet the standards of FCC 10-6-6-4-G above and shall make the equipment visually subordinate to the building and adjacent buildings, if any. These regulations do not apply to solar photovoltaic and solar thermal energy systems as allowed by HB 3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

These criteria are not applicable as there are not historic inventory properties in this area.

**10-6-7: NON-RESIDENTIAL DESIGN REQUIREMENTS:** In districts other than Mainstreet and Old Town, the architectural design requirements of this section shall apply to all commercial buildings.

**A. All commercial buildings shall meet the standards of FCC 10-6-6-3 and 10-6-6-4-G above.**

The ELF is an institutional building, not a commercial building, and as such, Section 10-6-7 does not apply.

**10-6-8: DRAWING SUBMITTAL:** In addition to information required by FCC 10-1-1-4, the owner or authorized agent shall submit the following drawings to the City for review:

**A. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, locations of entrances and exits, the direction of traffic flow into and out of off-street parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.**

Applicant's numerous site plans and architecture drawings have been submitted and are sufficient for staff level review.

**B. A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2.**

Landscape plan has been submitted.

- C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.**

Applicant's numerous site plans and architecture drawings have been submitted and are sufficient for staff level review.

- D. Additional information may be required by the City if necessary to determine whether the purposes of this Chapter are being carried out or may authorize omission of any or all the drawings required by this Chapter if they are not necessary. The City shall specify the number of copies of each drawing to be submitted.**

The applicant has submitted the required materials outlined in this section. Any missing information will be addressed through conditions in these Findings, requiring action from the applicant.

**10-6-11: LAPSE OF DESIGN REVIEW APPROVAL:** Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for 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 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 of a design review permit if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008).

If Planning Commission approves the EPA Design Review request on December 17, 2024, the approval for EPA Design Review approval will expire on December 17, 2025, unless substantial construction has taken place.

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**TITLE 10: CHAPTER 25: PROFESSIONAL OFFICE/INSTITUTIONAL ZONING DISTRICT**

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**10-25-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**

The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title may grant a conditional use permit for the following uses, provided that they are proposed in conjunction with an upper level residential apartment



or condominium permitted under Section 10-25-2, accessory residential uses, which is not less than fifty percent (50%) of the total gross floor area of the building, or, as part of a commercial planned unit development:

1. Catering services
2. Dry cleaners, pickup and delivery only
3. Printing and copy shops
4. Stationery stores
5. Travel agencies
6. Beauty/barber shops

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
2. Pharmacy, drive-thru
3. Fitness/health centers
4. Heliports
5. Bank branch, excluding drive-thru
6. Medical Marijuana Dispensaries

The ELF is to be part of the Elm Park PUD, which is zoned Professional Office/Institutional (POI). The ELF is exclusively a childcare facility and does not include any residential uses. In the POI zone, a daycare center is permitted subject to the procedures and conditions outlined in Chapters 1 and 4 of Title 10, without the need for a residential component. Chapter 1, Zoning Administration, is addressed in these findings, while Chapter 4 covers Conditional Uses.

The entire project is being reviewed as a PUD, with separate Design Reviews for each component. HB 3109 made changes to ORS 329A.440 which includes the following: “4)(a) A child care center is a permitted use in all areas zoned for commercial or industrial use, except areas specifically designated by the local government for heavy industrial use.” Therefore, the childcare facility use is permitted under state statute. The state statute further states: (b) A local government may not impose land use regulations, special fees or conditions on the establishment or maintenance of a child care center in an area zoned for commercial or industrial use that are more restrictive than those imposed for other uses in the same zone.” The Planning Commission is reviewing the ELF subject to the procedures and conditions set forth in the chapters applicable to uses permitted in the POI. Criterion met through application of ORS 329A.440.

#### **10-25-4: DEVELOPMENT STANDARDS:**

- A. **Minimum lot area: The minimum lot area shall be 15,000 square feet.**

As seen on Exhibit A-1, the lot area is 15, 997 square feet. Criterion met.

**B. Minimum lot dimensions: The minimum lot width shall be 100 feet.**

As seen on Exhibit A-1, the lot width is 135'. Criterion met.

**C. Minimum residential density achievable through a planned unit development (PUD).**

1. **Five (5) dwelling units per acre.**
2. **Minimum lot size for PUD is one acre.**

Minimum density achievable through a planned unit development in the Elm Park PUD, will be addressed as part of the PUD review process. The ELF does not propose a residential use.

**D. Minimum yard requirements:**

1. **Front yards and street side yards shall be a minimum of 20 feet.**
2. **Side yards, and rear yards abutting a residential district shall be fifteen (15) feet. Otherwise, no side or rear yard is required.**
3. **Zero lot line developments shall be considered as part of a planned unit development pursuant to Chapter 23 of this Title.**

The applicant is requesting a modification to the setback standards, which is also addressed in the EPA and PUD Findings. Specifically, the applicant is seeking a minimum front and street-side yard of 10 feet for Lots 1, 2, and 3 in order to increase the density of this affordable rental housing and early learning project. These proposed setbacks are double the 5-foot yard requirements for high-density residential areas. At both the EPA Site and the ELF Site, some yards exceed 10 feet. Additionally, zero lot line development is being considered as part of the PUD process, with the applicant proposing a zero lot line between Lots 2 and 3, as shown in Exhibit A-1.

**E. Height limitations: The maximum building or structure height shall be thirty-five feet (35'). Residential dwellings and their associated structures refer to Section 10-10-5 of this Title for requirements.**

ELF is not a residential structure but is below 35' in height.

**F. Landscaping and Visual Buffers: Refer to 10-34 of this Title for requirements.**

1. **Except where the entire area between a street and a building is landscaped, a minimum of three (3') feet high landscaped berm, hedge, natural vegetation or dense landscaped planting shall be provided along the street**

frontage.

2. **A minimum of fifteen (15%) percent of the developed site shall be landscaped, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.**
3. **Ten (10') foot setback along the property adjacent to Greentrees.**

Landscaping will be addressed under Chapter 34 of these Findings.

**G. Parking shall be in accordance with Chapter 3 of this Title.**

Parking is addressed in these Findings.

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

Applicant states in their narrative that any signs proposed will be in accordance with Chapter 7. ELF building proposes a single sign posted to the exterior of the ELF building near the main entrance.

- I. **Screening: Any trash or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum of five (5') feet high solid screening wall of the same or compatible materials as the building, with a solid wood or metal gate. Chain link fencing with slats is not acceptable. Colors of these elements shall be compatible with the theme of the building.**

The proposed trash enclosure for ELF will be screened.

**J. Access and Circulation: Refer to Section 10-35 of this Title for Requirements.**

**K. Public Facilities: Refer to Section 10-36 of this Title for Requirements.**

**L. Lighting: Refer to Section 10-37 of this Title for Requirements.**

Access and circulation, public facilities, and lighting will be addressed in these Findings.

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**TITLE 10: CHAPTER 34: LANDSCAPING**

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**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:

- A. Living plant material covers a minimum of 70 percent of the area proposed for preservation;**

Landscape plan shows the site is nearly entirely covered with living plant material where hardscapes or buildings are not proposed. Precise percentage of area covered is not clear.

- B. Preservation area(s) are a minimum of 30 square feet for any one area with dimensions a minimum of 5 feet on any side to ensure adequate space for healthy plant growth;**
- C. Preservation area(s) are setback from new construction areas a minimum of 10 feet from new structures, and a minimum of 5 feet from new hard-surface areas (e.g. parking lot, walkways), and replanted with native vegetation if damaged during construction;**
- D. The preservation area is clearly marked and identified for protection on the landscaping plan as well as on-site (e.g. construction fencing) prior to site disturbance.**

Preservation areas are not indicated.

- E. Existing noxious weeds<sup>1</sup> within the preservation area are removed prior to approval of the installed landscaping; and**
- F. Preservation areas with grade changes around the perimeter are addressed with appropriate transition or stabilization measures (e.g. retaining wall) to avoid erosion.**

The applicant’s revised landscaping plan (Exhibit H(1)) contains an extensive list of native vegetation proposed for the site. The landscaping plan has been revised per staff comment that the soakage trench needs to be covered with grating, stone, sand, or a grassed cover.

**10-34-2-3: Significant Vegetation.** “Significant vegetation” means:

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<sup>1</sup> Noxious and invasive weeds are those identified by the current Lane County Public Works “Noxious and Invasive Weed Management List,” with additional City of Florence footnotes. If a current county list is not available, the list in the current Oregon Department of Agriculture in “Noxious Weed Policy and Classification System” will be used. Noxious weeds common to the area are Scotch Broom, English Ivy, Gorse, and Himalayan (Armenian) Blackberry.

- A. Native vegetation, or
- B. Plants within designated sensitive land areas such as wetlands, riparian areas, and slopes steeper than 40%, or
- C. Trees having a DBH of four (4) inches or larger measured 4½ feet above ground.

The site is proposed to contain native vegetation. Two tree species are proposed: Autumn Blaze Maple and Weeping Alaska Cedar. Refer to Exhibit H(1). Note: Weeping Alaska Cedar is not on the City's approved Tree List.

**10-34-2-4: Preservation Credit.** The City may grant a "Preservation Credit" if existing significant vegetation on the site is preserved, in the form of a reduction of the overall landscape area and planting requirements of Sections 10-34-3-3. [...]

The applicant is not requesting a Preservation Credit.

**10-34-3: LANDSCAPING**

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

- A. For new developments, all landscaping shall meet current code requirements. (Ord. 4, 2011)
- {...}

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

- A. The location and height of existing and proposed fences and walls, buffering or screening materials.
- B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.
- C. The location, size, and species of the new proposed plant materials (at time of planting)
- D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.

Landscape plan indicates some existing trees may remain as is – Autumn Blaze Maple and Weeping Alaska Cedar.

**E. Existing and proposed building and pavement outlines.**

The architecture and engineering plans submitted by the applicant include proposed building and pavement outlines. Criterion met.

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

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

The applicant's landscaping plan contains the required information. Refer to Exhibit H(1). Criterion met.

**10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.**

The minimum required percent of landscape required is 15%. Criterion met.

**A. Landscaping shall include planting and maintenance of the following:**

- 1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.**

Exhibit H(1) shows one street tree every 30' along lot lines adjacent to a street. Refer to Exhibit H(1). Criterion met.

- 2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.**

Exhibit H(1) shows six shrubs per linear feet along all lot lines adjacent to a street. Criterion met.

- 3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.**

Landscape plan shows the site is nearly entirely covered with living plant material where hardscapes or buildings are not proposed. Precise percentage of area covered is not clear.

- 4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this**

requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.

Plant materials are located in areas within the first 20 feet of any lot line that abuts a street. Criterion met.

**5. Pocket-planting<sup>3</sup> with a soil-compost blend around plants and trees shall be used to ensure healthy growth.**

The landscape plan indicates this method will be employed.

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

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

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

4" Kinnikinnic Point Reyes is proposed for ground cover. Prior to issuance of building permits, the final planting plan shall be submitted to the Florence Planning Director, or their designee for review and final approval of the planting spacing. **(Informational 1)**

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

Two of the proposed shrubs for ELF are not on the Tree and Plant List for the City of Florence - Sumak Fineline and Nandina Moyers Red. Prior to issuance of building permits, the final planting list shall be submitted to the Florence Planning Director, or their designee for review and final approval of the planting sizes. **(Informational 2)**

**3. Trees.** Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch

**caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).**

The applicant is proposing a Weeping Alaska Cedar, which is not on the suggested Tree List. Prior to issuance of building permits, the final planting list shall be submitted to the Florence Planning Director, or their designee for review and final approval of the planting sizes. **(Informational 2)**

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

Medium fir bark mulch is proposed. The grade of placement was not provided. Prior to issuance of building permits, the final landscape plan shall be submitted to the Florence Planning Director, or their designee for review and final approval of the placement of non-plant ground covers. **(Informational 3)**

- C. Hardscape features, such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.**

The applicant is not proposing reductions in required landscaping area.

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

Flirtation and infiltration rain garden and OInfiltration Soaker Trench proposed.

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



Landscape plans show underground irrigation is proposed. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

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

**A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;**

The applicant is proposing to provide 11 parking spaces, this equates to a required 110 square feet of interior parking lot landscaping. The applicant does not identify the amount of interior parking lot landscaping. However, this standard only applies to parking areas with 20 or more spaces, nonetheless, the entire PUD contains more than 20 spaces, and several landscaped islands throughout the PUD.

**B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the *Tree and Plant List for the City of Florence* installed per island;**

Parking islands appear to be evenly spaced but unclear if each landscape island contains one tree from the approved list.

**C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;**

**D. Irrigation is required for interior parking lot landscaping to ensure plant survival**

Permanent, underground irrigation is proposed.

**E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and**

**F. Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.**

FCC 10-34-3-6: Parking Lot Landscape Standards is not directly applicable to the ELF because the threshold is 20 or more parking spaces. However, the PUD does employ many of these features when viewed as a whole.

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

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

The proposal includes placement of an ADA parking space west of the ELF facility along and parallel to the drop off driveway. Placement of a hedge along the driveway is not feasible in the configuration provided. The applicant has applied for a PUD and this item will require approval of a modification to this standard. (Condition 5)

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

As seen on the site plans sheets, a raised walkway separates the parking area from the ELF.

**C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required.** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. a decorative wall (i.e., masonry or similar quality material),
2. evergreen hedge,
3. opaque or sight-obscuring fence complying with Section 10-34-5, or
4. a similar feature providing an adequate screen.

Per the applicant's narrative, mechanical equipment is indoors, and the trash areas will

be screened, per the site plans.

- D. Abutting Land Use Buffers.** When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line, consistent with the standards listed in the table below. In no case shall the buffer strip be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

A buffer and screening are required between Apartment Building E and the ELF. According to FCC 10-34-3-7-D, a "15-foot buffer with a 6-foot solid wood fence or block wall, or a 15-foot landscaped buffer" is needed between commercial and multi-unit residential uses. The 12-foot one-way drive area to the west of the ELF, combined with the west sidewalk, creates a 17-foot buffer. Applicant proposes installing a 6-foot escallonia hedge just west of the sidewalk, with the option to substitute a 6-foot wood fence or block wall if needed. As outlined under "Policies Served and Modifications Requested," applicant is requesting a minor modification to allow the proposed buffer in place of the standard requirement.

**10-34-3-8: Maintenance.** If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., native Rhododendron replaces native Rhododendron, evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.) within six (6) months of their dying or removal, whichever comes first. All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner within six (6) months of any such feature being removed or irreversibly damaged (whichever comes first).

FCC 10-34-3-8, requires maintenance of plantings and replacement of dead or dying plantings in perpetuity. (Informational 4)

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

Trees are all interior to the project property and are not planned in the street rights-of-way. This section does not apply.

**10-34-5: FENCES AND WALLS:** Construction of fences and walls shall conform to all of the following requirements:

**A. General Requirements.** All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require

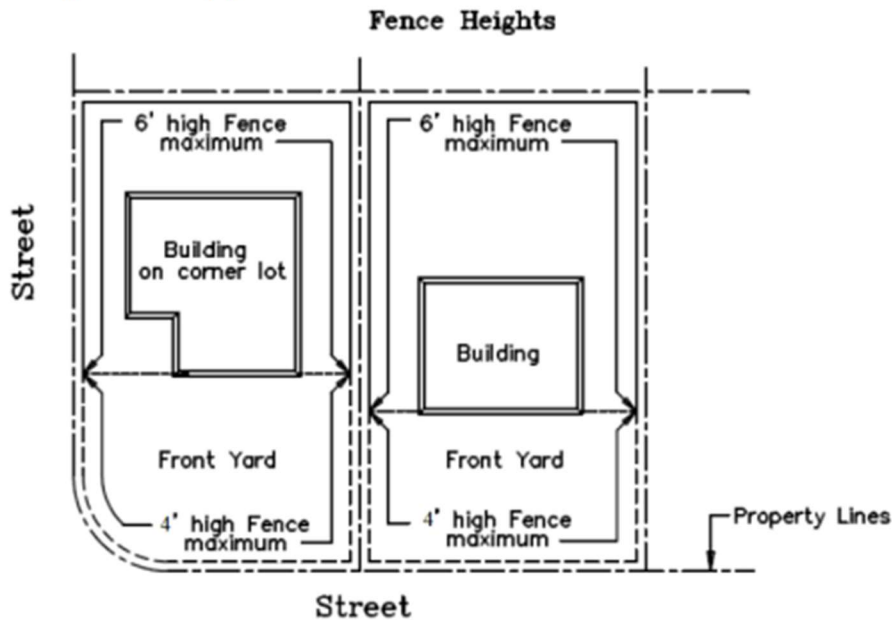
installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)

## B. Dimensions.

1. Residential Zones: Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed four (4) feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed four (4) feet in height or taller fences or walls are allowed through a Type II or III Design Review approval. (See Figure 10-34(2))

Figure 10-34(2): Residential and Commercial Fence Standard

Figure 10-34(2): Residential and Commercial Fence Standard



## F. Materials.

1. Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.

2. Materials permitted with Administrative Design Review: Sheet metal is permitted within the Limited Industrial District with Administrative Design review Approval.

3. Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller

**than eight (8) feet. Sheet metal is prohibited within all districts except the Limited Industrial District.**

**4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-7-14.**

Applicant is seeking a modification to fence and wall height standards. Staff provide the applicant's request verbatim below for Planning Commission's consideration.

"Between apartment Building E and the ELF, buffering and screening are required. A "15-foot buffer with 6' solid wood fence or block wall or a 15-foot landscaped buffer" is needed between commercial and multiple-unit residential uses. FCC 10-34-3-7-D. The 12-foot one-way drive area west of the ELF, plus the west sidewalk, creates a 17-foot buffer. We propose a 6-foot escallonia hedge just west of the west sidewalk with the right to substitute a 6-foot wood fence or block wall. See below under Policies Served and Modifications Requested our request for a slight relaxation of this standard to allow the proposed buffer.

Any walls or fences between the building and the street cannot exceed 4 feet in height in a front yard. Fences and walls can be 6-8 feet high in rear and side yards. FCC 10-34-5. Given the "whole block" area of the Elm Park PUD, access through a platted alley that bisects the block, and residential units and community buildings accessed from the alley, the location of the "front yards" for the three (3) Lots is not clear.

The Code defines "yard" as "An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein." A "front yard" is "An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot." A "rear yard" is "An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot." A "side yard" is "An area adjacent to any side lot line, the depth of which is a specified horizontal distance measured at right angles to the side lot line and being parallel with said lot line." FCC 10-2-13.

On a "corner lot," both lot lines on streets are the "front line," but either street lot line can be "designated" as "the front lot line" by the Planning Commission in a partition proceeding. FCC 10-2-13. As part of the Replat of Block 57, we request that the lines of Lots 1 and 3 near and parallel to Greenwood Street be designated the front lot line and that the lot line of Lot 2 near and parallel to Fir Street be designated its front lot line.

So, for Lot 1, the front yard would be the area between Greenwood Street and Building C. We request that, if we elect to build walls or fences, then the height limits are (a) on the front yard line, 4' from the alley north to a point opposite the south wall of Building C, and 6-8' to the north lot line; (b) in the north side yard, 6-

8'; (c) in the western rear yard, 6-8' except 4' from the southern wall of Building A to the alley."

For Lot 2, the front yard would be the area between Fir Street and Building D. We request that, if we elect to build walls or fences, they would be limited to (a) 4' in the front yard from the alley to the north wall of Building D and 6-8' south to the south lot line; (b) 6-8' in the south side yard; and (c) 6-8' in the eastern rear yard.

For Lot 3, the eastern lot line would be the front lot line, but the height limit for fences or walls in all yards would be 4'.

Since it is difficult to describe the fencing height modification solely with text, staff highly recommend the applicant be prepared to present this modification (with graphics, preferred) to the Planning Commission so that the Planning Commission can make an informed decision on the matter. This modification also applies to EPA and is included in EPA Findings.

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## **TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION**

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### **10-35-2: VEHICULAR 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.

Access to the alley, which is the primary ingress and egress of the site, is proposed from Greenwood Street and Fir Street. All streets are under City jurisdiction. Access details will be reviewed upon building permit. ELF main entrance will face 10<sup>th</sup> Street and offer rear and on-street parking. Planning-level review is conducted concurrently with PUD and Design Review.

**10-35-2-4: State and County Access Permits:** ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit. A State or County complete access permit application must be

submitted as part of all land use permits. Conditions placed by the State or County upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. When a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the "Highway 101 Access Management Plan." County roads are governed by the Lane County Transportation System Plan and Lane Code Chapter 15.

Access to the EPA Site and the ELF Site is from Greenwood Street and Fir Street along a platted alley, which becomes the drive lane for the parking area. From the alley to 10th Street, a 12' one-way (south) lane provides for the safe drop-off and pickup of children at the ELF. No access permits are required because no county or state roads are adjacent to Block 57.

**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.**

The applicant completed a Traffic Impact Study (TIS) and it is included in the record as Exhibit L. The TIS was completed by Clemow Associates, LLC.

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

- C. Conditions of Approval: The City may deny, approve, or approve a development proposal with appropriate conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval should be evaluated as part of the land division and site development reviews, and may include but are not limited to:**
- 1. Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.**
  - 2. Access adjustments, where proposed access points do not meet the designated access spacing standards and/or have the ability to align with opposing access driveways.**
  - 3. Right-of-way dedications for future improvements.**
  - 4. Street improvements.**
  - 5. Turn restrictions such as “right in right out”.**

**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.**

The proposed Elm Park PUD is expected to generate 543 daily trips, with 75 trips during the AM peak hour and 79 trips during the PM peak hour. The Traffic Impact Study (TIS) concluded that no traffic improvements are needed, as southbound Greenway Street is wide enough to allow parallel parking opposite the ELF. The TIS also recommends removing the median opposite the alley to enable northbound traffic to make left turns into the alley.

The proposed development generates 543 daily trips, with 75 AM and 79 PM peak hour trips. All study intersections operate well within the mobility targets established by the relevant agencies in all scenarios. No operational mitigation is required to accommodate the added traffic from the development.

All study intersection approach movements have sufficient queue storage capacity in all analysis scenarios, so no queuing mitigation is necessary to handle development traffic.

Since Greenwood Street is classified as a Local roadway and is not expected to extend north of 12th Street, the existing median at the alley between 10th and 11th Streets, which currently restricts left-turn movements, is not essential for safety. Development traffic can perform a U-turn at 11th Street. However, it is recommended that the median be modified or removed to allow left-turn movements into the alley.



The development includes proposed on-street parking on Greenwood Street south of the alley, where none currently exists. The minimum paved width for a one-way Local Street to allow parking is 18 feet, and the existing width of the north and southbound lanes (measured from curb face to curb face) is 20.3 feet. Therefore, the roadway is sufficiently wide to accommodate on-street parking in both directions.

**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.

As seen on the site plans, a pedestrian path encircles the ELF and provides connections throughout the PUD and to ingress and egress points.

**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.**

No easements cross Block 57, except for the alley right of way. 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 for parking and landscaping.

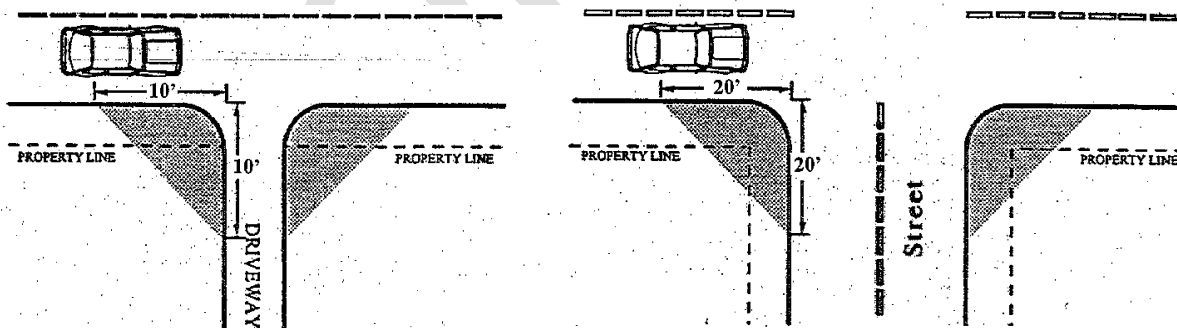
The 20' wide alleyway down the middle of the PUD also serves as fire access path, per the site plans (see cross-hashed lines under sheet notes on site plans).

**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.**

No obstructions below 13'.6" are proposed. This criterion is met.

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

- 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 internal driveways, the minimum vision clearance shall be ten feet (10').**



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

The site plan includes 10' clear vision triangles where the alleyway meets rights-of-way. Criterion met.

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

### 10-35-3-1: Sidewalk Requirements:

- A. **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.

Sidewalk development is proposed as part of the City-led Infrastructure Project that will be constructed and completed around the same time as the PUD.

**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.

As seen on the site plans, the entire PUD contains a continuous pedestrian circulation path amongst all buildings, and lots associated with the PUD and the EPA and ELF.

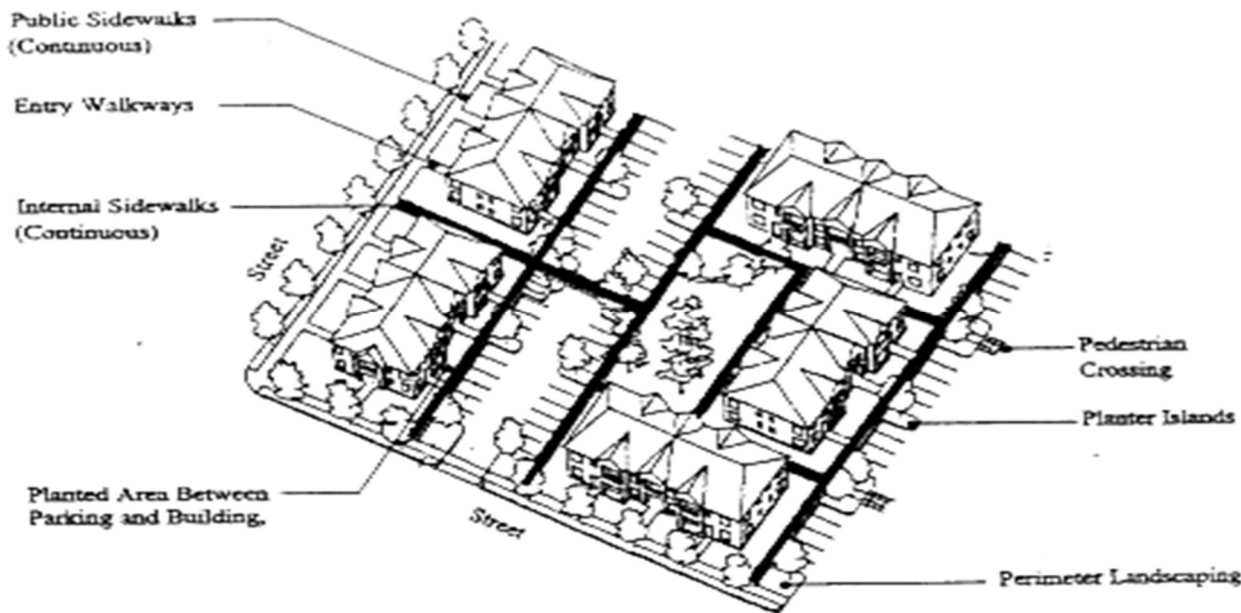
- B. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:
1. **Reasonably direct.** A route that does not deviate unnecessarily from 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.
  3. **"Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings** is the main public entrance to the building. In the

case where no public entrance exists, street connections shall be provided to the main employee entrance.

Based on the site plans, the walkways within the PUD are safe and provide reasonable, direct access throughout the entire development. The main public entrance to the ELF faces 10th Street, offering both safe and convenient access either directly from 10th Street or via the drop-off zone.

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; and



As seen on the site plans, the entire PUD contains a continuous pedestrian circulation path amongst all buildings, and lots associated with the PUD and the EPA and ELF.

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

A. **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.

ELF site plans show a raised walkway that separates vehicle areas from pedestrian walking paths, including fronting 10th Street.

- 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.

The site plan (Exhibit E-2) does not show a clearly marked crosswalk between Lots 2 and 3 – the one-way alley between Lot 2 and the ELF. Staff question how pedestrians are to move between Lots 2 and 3. Applicant should be prepared to address this with the Planning Commission.

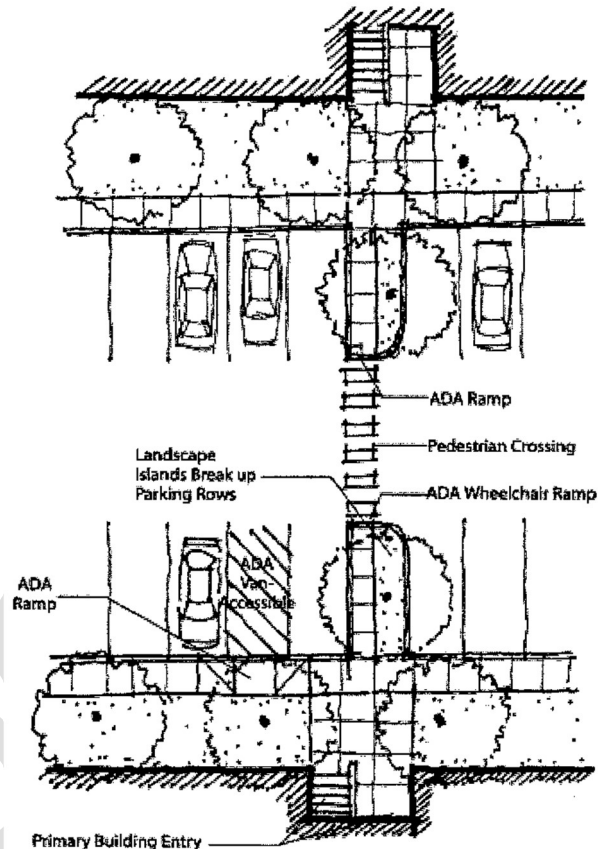
- C. **Width and Surface.** Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least five (5) feet wide, without curb. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least ten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

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

As seen on the site plans, the pedestrian path is at least 5' wide and will be asphalt concrete.

- 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.

As seen on the site plans, walkways will conform to ADA standards. The location of ADA parking stalls is convenient and close to the main entrances of buildings, and provide direct routes, as feasible.



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**TITLE 10: CHAPTER 36: PUBLIC FACILITIES**

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**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.**

No public street or other dedications are proposed for Elm Park PUD. City Staff reported at the August 19, 2024, Council meeting, where the Council adopted Resolutions 19 and 20, Series 2024, that the Infrastructure Project will be completed in August 2025. The earliest date for completion of the EPA is April 1, 2026, so the City's Infrastructure Project will be completed about seven months before the EPA. These statements are included in the revised PUDAA. Applicant has added a statement to the revised PUDAA stating that no public improvements are proposed except eliminating the median in Greenwood Street opposite the alley to allow northbound traffic to make a left-hand turn into the alley.

**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.

No easements cross Block 57, except for the alley right of way. 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 for parking and landscaping.

**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.

See Section 2-1-B above.

**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.**

Sidewalks are currently present along Greenwood Street and on the street frontage of the Justice Center. The City will be undertaking the North 9th Street Infrastructure Project, which includes improvements to Fir Street from 9th Street to 12th, 10th Street from Greenwood to Fir, 11th Street from Hemlock to Fir, and Greenwood Street from 11th to 12th (referred to as the “Infrastructure Project”). Culverts will be installed to maintain the drainage channel’s current location and elevation. Exhibit D provides a map outlining the scope of the Infrastructure Project.

According to comments from the NOIC, the City has publicly announced that the design for the Infrastructure Project will be 50% complete by November 2025 and fully completed by January 2026. Construction of the Infrastructure Project is expected to be finished by August 2026. The EPA construction is scheduled to begin on April 1, 2025, and be completed by April 1, 2026.

**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.**

The Elm Park PUD does not propose any improvements to existing rights-of-way as those are included in the City’s Infrastructure Project. Refer to Exhibit D.

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

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



- B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.**
- C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.**

Curb details are included in the civil drawings for ELF, where necessary.

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

Prior to the issuance of certificates of occupancy, the applicant shall submit evidence to the Florence Planning Director that the local post office authority having jurisdiction over the area has reviewed and approved the plan for mailboxes to serve ELF. (Condition 6) Criterion 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.**

As seen on the civil plans, the EPA will connect to an existing 8" sanitary sewer main, an existing 8" storm main, and an existing water main, presently located in Greenwood Street on the side of Block 57.

- 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.**

As discussed, the applicant must apply for public infrastructure permits and submit plans for review and approval with the Public Works Dept. prior to commencement of construction. (Informational 5)

- C. Existing Watercourse: Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety and consistency with the Stormwater Manual.**

There is no known existing watercourse on Lot 3 of Elm Park PUD.

- 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.

As discussed, the applicant must secure approval from the Public Works Department.

- 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.

Applicant states in its written narrative that, per the Fire Chief, the fire flows are adequate in Greenwood Street.

As part of the building permit review process, fire flow analyses, hydrant plans, and water service details shall be subject to review and approval by the Building Official and Fire Marshal. (Informational 6)

- 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.

The proposed water, wastewater, and stormwater systems meet the standards of the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan. The water and sewer capacity in the project area are sufficient for the proposed use. As conditioned the final detail and location of water, sewer and stormwater system design is conditioned upon final review and comment by the Public Works Director. This has already been conditioned elsewhere in this report. Staff find the applicant can feasibly meet the water, sewer, and stormwater requirements as seen in their civil engineering drawings. These criteria are met.

**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.

EPA requires a project involving more than one acre disturbance to obtain a DEQ National Pollution Discharge Elimination System Permit before site disturbing work. Applicant's Department of Environmental Quality Land Use Compatibility Statement is found in new Exhibit M.

NPDES permits must be obtained and provided to the City of Florence Building Department, prior to any development occurs on the subject property. **(Condition 7)**

**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.

New utility lines are planned to be located 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.

Per Applicant's narrative (record, tracker item #40), no public streets or other dedications are included in Elm Park PUD, and per NOIC comment, no public utility easements are included in Elm Park PUD.

#### **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.

As discussed, the applicant must secure approval from the Public Works Department.

#### **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

This proposal will be subject to the construction standards, inspections, approvals, and bonds and warranties as outlined in these sections and will be reviewed and required as part of the construction facility 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.

Parklands is addressed as part of EPA and PUD review. Refer to Findings of Fact reports for EPA and PUD for a review and discussion of parklands.

Note: ELF will construct a 2,250 square foot play area for use by children attending ELF, the area which is included in the 20% open space calculation for the PUD.

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**TITLE 10: CHAPTER 37: LIGHTING**

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**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.**

ELF lighting plan is Exhibit 15 of applicant’s submittals. Lighting standards are applicable to ELF.

**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.**

ELF lighting plan is Exhibit 15 of applicant’s submittals. ELF is proposed to have Type C wall-mounted lights manufactured by Lithonia Lighting that are 12’ in height mounted to exterior of ELF.

#### 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.**

As seen in the lighting plan, exterior lighting fixtures are Type 2 meaning that light is dispersed in two directions. Refer to detail note on Exhibit 15.

**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.**

Lighting for parking areas is addressed in the EPA Findings of Fact. Note: foot-candles light for exterior of ELF average is 1.9 foot-candles.

**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.**

As seen in Exhibit 15, no light fixtures exceed 20' in height.

**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.**

As shown in Exhibit 15, the exterior lighting for the ELF is designed to ensure personal safety and building security. The applicant is advised that the main exterior lighting must





be turned off at the end of business hours, with a minimum level of lighting maintained for personal and building safety and security.

- 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.**

The proposed lighting plan is subject to a thirty-day review beginning with the first day in business using the proposed lighting system. The applicant is not seeking a variance to lighting standards, rather acceptance of the proposed lighting plan. The applicant's design team believes, in their professional opinion, that the overall lighting plan meets the spirit and intent of Florence's lighting standards. If deficiencies are noticed in the proposed lighting plan, the City and the Design Review Board reserve the right to investigate on site and make appropriate recommendations for remediation, without going through a formal variance or exceptions procedure. Staff do find the lighting plan acceptable, given the design's professional opinion and experience in designing other lighting plans for similar types of development, but this is something staff respectfully request Planning Commission review and consider and if necessary, inquire of the applicant for further information at the public hearing.

- 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.**

No externally lit commercial signs are proposed. Criterion not applicable.

- 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.**

Walkway lighting is proposed to be full-cutoff, as shown in the lighting plan for the EPA and the overall PUD. Lighting for the ELF is limited to exterior lighting on the building itself and the surrounding area.

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## TITLE 9: UTILITIES

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### TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT REQUIREMENTS

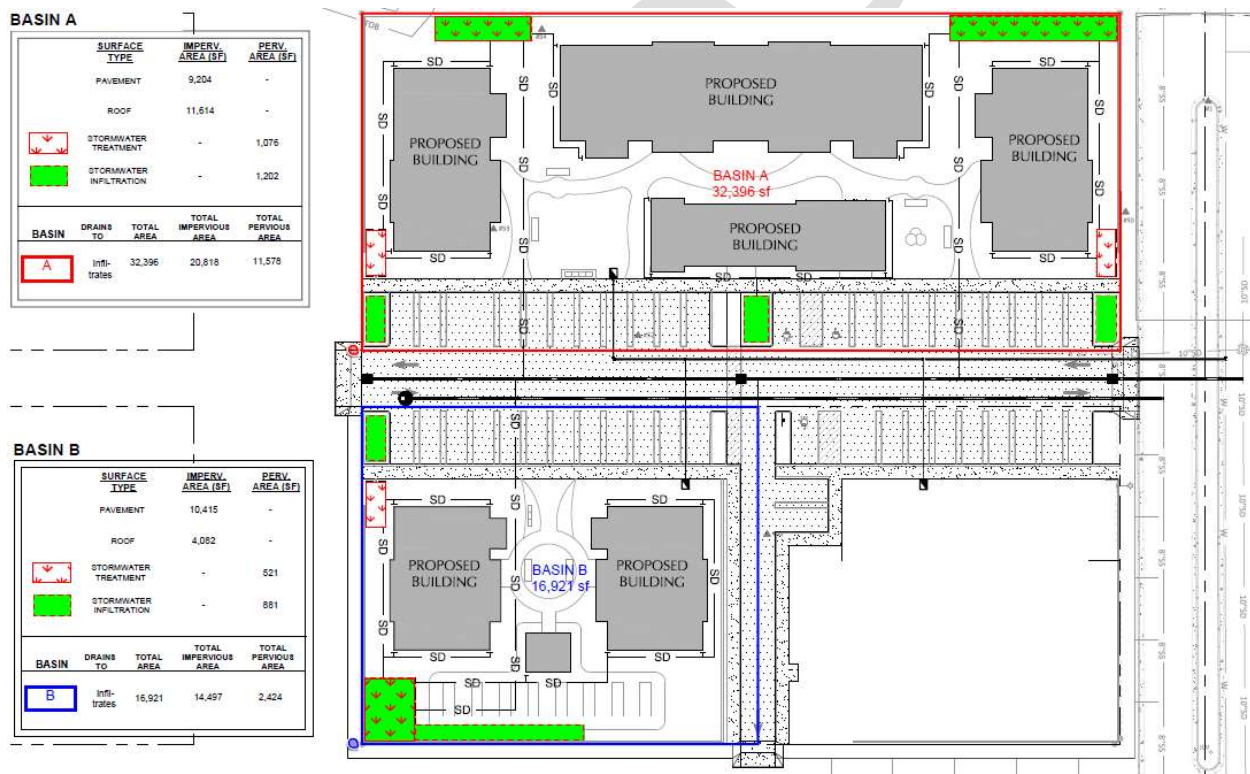
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#### 9-5-3: STORMWATER DESIGN CRITERIA:

##### 9-5-3-1: GENERAL:

A. The criteria in Section 9-5-3 shall be used in the design of public and private stormwater drainage and management systems. Stormwater management facilities shall be constructed in accordance with the Stormwater Manual: the 2008 Portland Stormwater Management Manual, as superseded by the December 2010 City of Florence Stormwater Design Manual; and the 2008 City of Portland Erosion and Sediment Control Manual.

Final stormwater drainage, treatment and facility plans shall meet the requirements of the Stormwater Design Manual (SWDM) and the City of Portland Erosion and Sediment Control Manual unless the findings specifically state the parts of the systems and/or design aspects which have been granted an exemption and such exceptions are permitted in accordance with the city code and/or SWDM. (Condition 8)



The applicant submitted a stormwater report prepared by KPFF Engineering, which includes flow modeling and other data. The design of the stormwater management facilities and the results of KPFF's stormwater analysis are discussed below.

KPFF's report was peer reviewed by Civil West Engineering. Comments will be included when available.

The applicant has not submitted an Operations and Maintenance Agreement.

The system is comprised of three basins and the alley system. Two basins are used for the apartments and one basin is used for the early learning facility. The study used the presumptive approach and includes infiltration treatment rain gardens, treatment rain gardens and infiltration soakage trenches.

Alley drainage—is not covered by either SW report, but is included in the drainage plans. Water is collected in catch basins then piped to public systems in Greenwood and Fir Sts. Alleys are subject to the SWDM in accordance with Section 3.5 on page 9 of 49. The water should route to vegetated treatment systems onsite or within those proposed in Greenwood and Fir Sts. at the direction of the Public Works Director.

Soakage Trenches---Table 5.1 says they are for simplified methodology only. Section 5.7.1 indicates that if city approved, they are sized in accordance with presumptive approach. And, Section 4.2.3 says they are used in the performance approach to apply flow control after treatment. The soakage trenches require city approval for their use and shall be designed in accordance with the presumptive or performance approach depending on the system's function and flow through needs. The depth to groundwater is @ 7-8 ft. So, use of soakage trenches will be a challenge since 5' ft. of fill would be needed to achieve the required 10 ft. of ground water separation required for all commercial run-off and residential roof systems with more than four dwelling units.

The typicals for the treatment system and infiltration systems do not meet SWDM specifications. In conjunction with Final Plat, the applicant shall resubmit stormwater facility typical drawings and other materials to reflect conformance with City of Florence SWDM standards. (Condition 9)

The EPA storm treatment and infiltration facilities are not labeled on sheet C2.0. Drainage plans shall be resubmitted with all systems labeled. Additionally, the plans shall illustrate the trench drain and catch basin outfalls to show which systems the parking lot runoff is going to. (Condition 10)

#### **9-5-3-2: STORMWATER QUANTITY (FLOW CONTROL):**

- A. A 25-year, return period storm shall be used for the design of all private and public stormwater drainage systems.**
- B. Onsite stormwater management facilities shall be required to prevent the post-development runoff rates from a project site from exceeding the pre-development runoff rates from the site, based on a 2 through 25-year storm. Exemptions to this requirement may be approved by the City Manager or his/her designee if it is determined that a more effective solution is available and that downstream capacity will accommodate the increase in flow.**

Civil West's peer review findings will be inserted here.

- C. Each new development project is responsible for mitigating its impacts on the stormwater system. This mitigation requirement can be satisfied through the use of any of the following techniques, subject to the other limitations identified by this Code:**
- 1. Construction of onsite facilities to limit the flow rate of stormwater runoff leaving the development site, in accordance with the Stormwater Manual.**
  - 2. Enlargement or improvement of the down gradient conveyance system in accordance with the requirements of this Code and the City of Florence Stormwater Management Plan.**

The applicant proposes mitigating the project's impacts via on-site facilities. The city is constructing the infrastructure in Fir St. and 10<sup>th</sup> Sts. This criterion is met.

- D. The development of any land requiring a Drainage Plan shall address onsite and off-site drainage concerns, both up gradient and down gradient (a minimum of 1/4-mile) of the project, including:**
- 1. Modifications to the existing onsite stormwater drainage and management facilities and drainage patterns shall not restrict or redirect flows creating backwater or direct discharge onto off-site property to levels greater than the existing condition unless approved by the affected off-site property owners and the City. Proof of off-site property owners approval shall be provided by having the affected property owner(s) sign an easement identifying the location of the backwater storage or impoundment area. This area shall be clearly shown on the submitted Drainage Plan site sheet(s). The easement shall be in a form approved by the City and recorded with the Lane County Deeds and Records Office.**
  - 2. Stormwater facilities shall be designed and constructed to accommodate all flows generated from the project property in accordance with the land use zoning as shown in the most recent approved City Code.**
  - 3. Capacity of the downstream drainage system to determine if increases in peak flow rates resulting from the proposed development can be accommodated.**

The applicant's stormwater report indicates that the development will not exacerbate water flow issues onto other properties. The facilities are designed to accommodate flow from the project property as required by this section. The site will only route water to downstream drainage systems during very large storms and only at rates less than or equal to the pre-development condition, meaning there will be no significant increase in peak flow rate to the public stormwater drainage system. The Stormwater Management Plan does not identify and downstream problems to address. These criteria are met.

- E. The types of stormwater management controls presented in the Stormwater Manual are available for owners and developers to use in satisfying the pre-developed and post-development runoff requirement. More than one of these types of controls may be needed to satisfy the runoff requirement. In areas where the runoff requirement in Section 9-5-3-2-F are exempt or partially exempt, the City may require improvements to the down gradient conveyance system.**

Civil West comments will be included here.

#### **9-5-3-3: STORMWATER QUALITY:**

**A. Stormwater management facilities to treat stormwater are required for certain types of projects. These water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan and for other projects as required by this section. Stormwater management facilities required for development shall be designed, installed and maintained in accordance with the Stormwater Manual, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the Stormwater Manual.**

**B. Water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan.**

**D. The water quality design storm shall be based on an intensity of 0.25 inches per hour, or 0.83 inches for a 24-hour SCS Type 1A rainfall return event.**

**E. Water quality facilities must be designed to prevent damage to the facility for flows exceeding the water quality design storm and to ensure no re-suspension of pollutants, consistent with the Stormwater Manual.**

**G. The types of stormwater management facilities presented in the Stormwater Manual are available for owners and developers to use in satisfying the stormwater quality requirement. More than one of these types of facilities may be required to satisfy this requirement.**

Florence Design Standards require that stormwater runoff from impervious surfaces be treated for rain events up to and including the 2-year water quality design storm, preferably by vegetative means. The proposed development plans to achieve this via stormwater infiltration rain gardens. The applicant's Stormwater Report indicates that the water quality design storm would be entirely managed by the proposed rain gardens, and no untreated water would escape from the system. Peer review comments from Civil West Engineering will be added here to discuss whether the proposed infiltration rain garden system will be adequate to achieve at least 70% removal of total suspended solids from stormwater runoff from the site's impervious surfaces. These criteria are met.

#### **9-5-4: MAINTENANCE RESPONSIBILITY:**

- A. Private stormwater facilities must be maintained in accordance with the Operations and Maintenance Plan approved as part of the Drainage Plan. The Operations and Maintenance Agreement will be recorded with the Lane County Deeds and Records Office. The Stormwater Manual contains the Operations and Maintenance Agreement Form to be used. A log of all maintenance activity shall be kept by the owner and made available to the City upon request. The City may, at its option, inspect the facilities for compliance with the requirements. If a property owner fails to maintain their facilities, the City may issue a written notice specifying the required actions. If corrective actions are not completed in a timely manner, the City may pursue legal remedies to enforce the provisions of the Operations and Maintenance Plan. The City will only enter the property to perform the required FLORENCE CITY CODE TITLE 9 12 STORMWATER MANAGEMENT UTILITY 9-5 corrections if the public's health and public property are in imminent danger. In this situation, reasonable attempts will be made to contact the property owner(s), but a written notice may not be required. The property owner(s) will be billed for City incurred expense.
- B. The Maintenance Agreement shall provide that upon notification by the City of any violation, deficiency or failure to comply with the agreement or this Code, corrections shall be completed within ten (10) days after notice thereof. Thereafter the City may pursue legal action to enforce the provisions of the agreement. In an emergency situation, the City may provide for all necessary work to place the facility in proper working conditions. The persons specified as responsible for maintenance in the Maintenance Agreement shall be charged the costs of the work performed by the City or its agents.

In conjunction with Final PUD application, the applicant shall submit and obtain City approval of a completed Operations and Maintenance Agreement. The agreement shall be recorded prior to issuance of certificate of occupancy. The applicant shall bear the costs associated with having the Agreement recorded with Lane County. **(Condition 11)**

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**VII. CONCLUSION—Planning Commission decision at the conclusion of the hearing**

The proposed application meets the requirements of City Code subject to conditions.

**OR—**

The proposed application does not meet the requirements of City Code and is denied.

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**VIII. RECORD TRACKER of EXHIBITS and SUBMISSIONS**

**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)

<b><u>Id. No.</u></b>	<b><u>Date</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>	<b><u>Comments</u></b>
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 <sup>th</sup> 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><b>Id. No.</b></u>	<u><b>Date</b></u>	<u><b>Exhibit</b></u>	<u><b>Description</b></u>	<u><b>Status</b></u>	<u><b>Comments</b></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 comer.
45	9-26-24	Ex. D	Map of North 9 <sup>th</sup> 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	