

**OUR COASTAL VILLAGE, INC.**  
**AND**  
**CHESTNUT MANAGEMENT, LLC**  
**P.O. BOX 108**  
**YACHATS, OREGON 97498-0108**

January 21, 2025

*Via Email [planningdepartment@ci.florence.or.us](mailto:planningdepartment@ci.florence.or.us)*

Florence Planning Commission  
250 Highway 101  
Florence, Oregon 97439

Re: Resolutions PC 24 27 PUD 01, PC 24 28 SUB 01, Elm Park PUD and Replat (the “Elm Park PUD Resolutions”).

Dear Chair Ubnoske, Vice-Chair Green, and Commissioners:

In preparation for the resumed hearing on these matters on January 28, 2025, we provide you with this additional information.

**I. 65 Foot Buffer**

One of the Staff’s recommended conditions of approval for the Elm Park PUD Resolutions was the adoption of Resolution PC 24 39 DR 13 (the “Streets Resolution”) relating to the revised 9<sup>th</sup> Street Infrastructure Project (the “Project”). The Commission approved the Streets Resolution on January 14, 2025, so it should be removed as a condition of approval on the Elm Park PUD Resolutions.

By adopting the Streets Resolution, the Planning Commission properly determined (a) that FCC 10-7-4-D-2-b allows construction of the Project in the City rights of way in RAIR-B’s 65-foot buffer zone and (b) a reduction by one-third of the impervious area in the buffer (compared with the standard street layout) satisfies the intrusion minimization standard.

With the approval of the Streets Resolution, the City will install between the EPA Site and the relocated 5-foot channel: (i) a 5-foot sidewalk, (ii) curb and gutter, (iii) two 11-foot paved travel lanes, (iv) another curb and gutter, (v) related utilities, (vi) stormwater facilities, and (vii) an armored south bank. With those improvements in place, EPA’s development cannot negatively affect the 5-foot relocated channel protected by the 65’ buffer.

Applicants requested, under the PUD Ordinance, a modification of the 65-foot buffer to the extent required to accommodate Buildings A and B in the northwest corner of the EPA. **Exhibit A** shows EPA Buildings A and B superimposed on the most recent Project plan from the Public Works Department. It shows that the area of the EPA Site within the buffer is 3,343 square feet. The area within the buffer untouched by buildings is 2,227 square feet. We are preserving

66.6% (2,227/3,343) of the buffer area on the EPA site, even though the EPA's development cannot impact the rerouted channel.

To recap, after the Project's completion, the EPA's development cannot adversely affect the protected 5-foot channel. Even so, the ELP Park PUD leaves 66.6% of the 65-foot buffer area untouched by buildings.

## **II. Wetlands.**

Our Wetlands Report (Record # 31) shows a 122-square-foot wetlands area at the northwest corner of the EPA Site. It is a small part of a 0.137-acre wetland area located mainly in the 11<sup>th</sup> Street and Fir Street rights-of-way.

We are joining with the City to purchase wetlands mitigation credits for the 0.137-acre wetland area being destroyed. Applicants will pay ELM Park PUD's proportionate share of the estimated total cost of \$25,000.

## **III. PUD Modifications and Results Achieved.**

The PUD Ordinance provides that a plan "shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, [and] lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment." FCC 10-23-5-H. Section 10-7-4 (wetlands and riparian areas) provides "additional development standards" for all zoning districts and "Compliance with these standards is required to obtain a permit." FCC 10-7-1.

Section 10-23-5-H allows an applicant's "proposed modifications" if, collectively, they "achieve the following:

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

The Staff summarized Elm Park PUD's requested modifications under FCC 10-23-5-H as follows:

"1. Setback Reductions. The applicant requests a modification to reduce front and street side yards from 20 feet to 10 feet, permitting an additional 9,000 square feet for dwelling units. The applicant notes that the remaining setback exceeds the 5-foot front,

side, and rear yard setbacks allowed in the High-Density Residential District (FCC 10-10-4-D). In some areas of the Elm Park Apartments (EPA) and Early Learning Facility (ELF), setbacks exceed 10 feet to accommodate specific site features, such as drainage channels and rain gardens. For example, the north side yard is 19 feet 9 inches from the north property line, and the west yard is 12 feet. This request is documented in the applicant's written narrative dated September 26, 2024 (item #40 of the record).

2. Building Orientation.<sup>1</sup> The applicant seeks a modification to building orientation standards for multi-unit dwellings under FCC 10-10-9-A. Buildings B, D, and E, which qualify as multi-unit dwellings, are arranged end-to-end with a minimum separation of 10 feet.<sup>2</sup> The applicant argues that these buildings<sup>3</sup> are oriented end-to-end because they are not face-to-face; the ends of the east-west multi-unit dwelling align with the end of the front wall of the north-south multi-unit dwellings. Buildings A and C, containing only four units each, do not qualify as multi-unit dwellings under FCC 10-10-9.<sup>4</sup> Further details are included in the applicant's narrative dated September 26, 2024 (item #40 of the record).

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

□ Lot 1:

o Front Yard: 4 feet in height from the alley to a point opposite the south wall of Building C, increasing to 6-8 feet extending to the northern lot line.

o North Side Yard: 6-8 feet.

o Western Rear Yard: 6-8 feet, except for the section between the southern wall of

Building A and the alley, which would be limited to 4 feet.

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<sup>1</sup> This is really a matter of building separation.

<sup>2</sup> Buildings D and E are across the alley from Building B, so there is no separation issue. Buildings D and E are face to face and are separated by the required 30'.

<sup>3</sup> Applicants argued that Buildings A and B, and Buildings B and C, were "end to end," so only a ten-foot separation was required.

<sup>4</sup> Applicants also argued that Buildings A and C, each containing only four units, did not meet the definition of "multi-unit dwelling," which requires five units, so the 30' separation standard did not apply. Staff later disagreed with this argument, concluding that Buildings A and C are "multi-unit dwellings" even though they each have only four units. For the separation between Buildings A and B and between Buildings B and C, Staff recommended reducing the 30-foot separation required for buildings that are not end-to-end to 18' 7", and Applicants agreed.

□ Lot 2:

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

□ Lot 3:

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

These requests are outlined in the applicant's written narrative dated September 26, 2024 (item #40 of the record).

4. Open Space Reduction. The applicants seek a modification to reduce the required open space percentage from 20% to 15.9%.<sup>5</sup> This reduction is offset by the inclusion of enhanced recreational amenities, including a playground, community garden, and a community room, which exceed the recreational requirements of the Florence City Code. The applicant asserts that these amenities compensate for the reduction in open space while maintaining compliance with the broader PUD's open space and landscaping objectives.<sup>6</sup> Further justification is included in the applicant's written narrative dated September 26, 2024 (item #40 of the record).

5. Buffering and Screening. The applicant requests approval for buffering and screening between the ELF and Apartment Building E. The buffer consists of a 12-foot one-way drive lane, a 5-foot sidewalk, and a 6-foot wood fence west of the sidewalk, as shown in Exhibit E-1(1). The applicant also seeks approval to substitute a 6-foot Escallonia hedge for the wood fence without further authorization. Additional details are provided in the applicant's narrative dated September 26, 2024 (item #40 of the record).

6. Riparian Buffer. The applicant seeks approval for the proposed locations of Buildings A and B, as shown in Exhibit E-1(1), and requests a modification to the 65-foot riparian buffer. The applicant cites the exempt public facilities Infrastructure Project as creating a barrier that prevents adverse effects on the riparian buffer. Further justification

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<sup>5</sup> As noted in our recent letter (Record # 89), recalculated open space is 10,123 square feet, which is 15.8% of the 12,784 required. Recreational space is now 7,010 square feet, 219% of the required 3,196 square feet (12,704 x 0.25).

<sup>6</sup> Applicants have agreed to make up for the 2,661 deficit in open space (12,784 – 10,123) by contributing to the City's Elm Park. The land component is 2,661 times the value of abutting land determined by the City to be \$3.23 per square foot, or \$8,595. The improvements component is \$40,000, Applicants' estimate of the cost of the picnic ramada and basketball to be included in the City's Elm Park that would otherwise have been included in Elm Park PUD. So, the total contribution to the construction of Elm Park is \$48,595.

is included in the applicant's written narrative dated September 26, 2024 (item #40 of the record).

7. Parking Reduction.<sup>7</sup> The applicant requests a modification to reduce the required parking spaces for the EPA from 50 to 41. This reduction is supported by a parking demand analysis and justified under FCC 10-3-3(C), including transit-related factors. A condition of approval will ensure that transit tickets provided by the applicant are available to all residents of the PUD, not solely those commuting.” Staff Report, pp. 11-13.

The Staff Report acknowledges that “The Elm Park PUD satisfies all applicable modification standards under FCC 10-23-5, including:

1. High-Quality Design: The proposed architectural features incorporate complementary colors, wall articulations, and variation in rooflines, aligning with or exceeding Old Town and Mainstreet Architectural Standards.
2. Unique Land Forms: While no unique landforms are incorporated, the design acknowledges and integrates site conditions, including riparian areas.
3. Recreation Space: The PUD exceeds the minimum recreational space requirement, providing active and passive amenities such as a playground, a garden, and a community room.
4. On-Site Amenities: Proposed active and passive recreational features enhance the site’s usability for residents and align with community goals.
5. Natural Resource Protection: Measures to protect the RAIR-B riparian area are contingent on approval of the associated Infrastructure Plan under PC 24 39 DR 13, demonstrating the commitment to natural resource protection.
6. Dwelling Mix: A variety of unit types (one-, two-, and three-bedroom) and densities are included meeting the requirement for mixed residential options.
7. Mixed Uses: The PUD integrates residential, commercial (Early Learning Facility), and recreational uses, consistent with zoning allowances.” Staff Report, p. 26.

The Staff’s conclusion follows:

“The Elm Park PUD meets the development standards of the underlying zoning district while appropriately proposing modifications to achieve a higher quality and more cohesive design. The modifications align and demonstrate compliance with the criteria for flexibility in PUD standards. The proposed project incorporates high-quality building

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<sup>7</sup> This parking reduction is not a PUD “modification” under FCC 10-23-5-H and, therefore, should not be considered in the modifications-versus-benefits PUD analysis.

design, recreation spaces, diverse amenities, and a mix of uses while addressing natural resource protection. The requested modifications enhance the overall functionality and design of the development and ensure alignment with Florence's zoning and community development goals." Staff Report, p. 26.

#### IV. Conclusion.

Applicants request that the Planning Commission follow the Staff recommendation and approve both the PUD preliminary plan and the preliminary partition plan for Elm Park PUD.

We appreciate your consideration.

Sincerely,

OUR COASTAL VILLAGE, INC.

By



K. Layne Merrill, President.

CHESTNUT MANAGEMENT, LLC

By



K. Layne Merrill, Manager