

## *City of Florence*

Community Development Department

250 Highway 101  
Florence, OR 97439-7623

PH: (541) 997-8237  
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July 2, 2012

Teresa Bishow, AICP  
Arlie & Company  
2911 Tennyson Avenue Suite 400  
Eugene, Oregon 97439  
Mailed via email: [teresa@arlie.com](mailto:teresa@arlie.com)

RE: Preliminary Review- Letter of Completeness  
Cannery Station Phase I Final PUD, Tentative Subdivision Plan, and Design Review

Dear Ms. Bishow,

This letter is submitted as part of the Community Development Department's review of your application for Cannery Station's Phase I Final Planned Unit Development (PUD), Tentative Plan (Preliminary Subdivision) and Design Review for a commercial building on Lot 1, Map # 18-12-14-20 T/L 700. Specifically, Planning, Building, Public Works, and Siuslaw Valley Fire and Rescue looked at the submitted documents and reviewed them for completeness in order to process the land use application. This review is a preliminary review with the understanding that the codes which were reviewed at the time of preliminary PUD will be continued forward as stated in Condition 2 of Resolution PC 08 09 PUD 01. Condition 2 states:

"Regardless of the content of material presented for this Planning Commission decision, including application text and exhibits, staff reports, testimony and/or discussions; the Applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on the date the application was submitted (March 28, 2008), EXCEPT where modification or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and the associated Conditions of Approval. In the event that modifications to the approved plans or change of use are approved by the Community Development Director or Planning Commission/Design Review Board, the codes in place at the time the application for a modification is submitted will apply."

The code provisions which were reviewed under the Preliminary PUD approval were Florence City Code Title 10, Chapter 3, Off-Street Parking and Loading, Title 10, Chapter 7, Special Development Standards, FCC, Title 10, Chapter 23, Planned Unit Development, FCC, Title 10, Chapter 30, North Commercial District, and by code references to the Realization 2020 Florence Comprehensive Plan. There are a number of updates to the Florence City Code since the approval of PC 08 09 PUD 01. Staff reviewed the application with today's current codes that were not reviewed in PC 08 09 PUD 01. The items with an "\*" next to the number indicated that the item is reviewed under today's current code if different from 2008 codes. Please also note

that the application is being reviewed under Resolution PC 08 09 PUD 01 for conformance with the original approval.

Staff also looked at the application to help you prepare for the public hearing as the Planning Commissioners have been emphasizing the need for complete applications. During the review, staff found that there are some items that are needed to make the application complete. The following text includes items to make the application complete, items which will clarify submitted information, comments from Siuslaw Valley Fire and Rescue, and information for your records.

Complete: The following are needed to make the application complete:

1. Wetland Permit: As indicated in Compliance Statement for Phase 1 Final Planned Unit Development (page 8 of 13); the wetlands permit is not obtained yet. Condition 10 states, "Prior to application for Phase I Final PUD, the applicant shall have applied for all necessary removal-fill permits and/or drainage into wetlands from the Department of State Lands and from the US Army Corps of Engineers." The application may not be deemed complete without showing evidence that you have applied for all necessary removal-fill permits and/or drainage into wetlands, unless you state the application is complete.

2. Open Space: Condition # 5h states, "At each phase of the Final PUD, the applicant shall demonstrate that a minimum of 20 percent of the net developable area within the current phase combined with any previously approved phases will be dedicated as common open space to be owned in accordance with FCC 10-23-5-G and maintained in accordance with FCC 10-23-6." On page 6 of 13 of the Compliance Statement for Phase 1 Final Planned Unit Development, it states that Phase I has about 18.5% of net developable area dedicated for open space. Indicate how the remainder of the 1.5% of open space will be provided.

3\*. Off-Site Conditions: Florence City Code (FCC) 10-1-1-4-B-3\* states, "3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)."

This information is helpful for the reviewing body to locate the site and understand its context. Keep in mind that the Planning Commission will be in the Council Chambers, not on site, during the public hearing. The drawings need to provide sufficient context for an informed discussion. Please note that a survey is not needed for the off-site information, but may be collected from public documents such as the local wetlands inventory and aerial photography. This information may be shown on an aerial photograph or on the site plan.

4\*. Colors: (FCC 10-6-5 H\*) Colors and exterior building materials are required to be submitted and reviewed for design review. If you are uncertain on the colors for the building you may also submit a color pallet from which what the color of the building will be selected.

5. Site Plan: (FCC 10-6-6-A) Sheets A1.1 and A1.2 shows the building with the parking lot layout, landscape islands, but the drawings are too small to see what is really being proposed.

The site plan for Lot 1 will also need to label the dimensions of the building's length and width, setbacks, and parking lot dimensions. Please also see #13 of this letter.

6\*. Detailed Landscaping: (FCC 10-6-6-B) The master landscaping plan is good for reviewing the entire Phase 1. However, during design review, a detailed landscaping plan showing what type of plant is planted where for Lot 1 is needed. Please also refer to FCC 10-34-3-2\*.

7. Floor Plan: To determine the number of required parking spaces, a floor plan is required for the commercial building on Lot 1. FCC 10-3-3 (also referred as the "Old parking lot standards") allows the exclusion of private office space, walk-in coolers, vent shafts, courtyards, stairwell, elevator shafts, restrooms, and storage.

8. Grades: FCC 11-3-8 requires grades of proposed street to be included with the tentative plan. Please also provide the % of the slope proposed.

9\*. Erosion Control: FCC 10-36-4\* states, "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."

Additional Information: The following additional information will be helpful to clarify the application:

10. Roads: On page 11 of 13 of the Compliance Statement for Phase 1 Final Planned Unit Development, it states that the streets are proposed to meet City Standards. Does that mean that you have decided to move forward with dedicating the streets to the public?

Comments from Sean Barrett, Fire Marshal Siuslaw Valley Fire and Rescue: Since there is no guaranty that this will be built out in its entirety, these additions will negate the requirement to have a second fire apparatus access road.

11. Will all of the buildings have a NFPA 13 sprinkler system?

12. The district requires a fire hydrant within 50 feet of the FDC.

13. For proper coverage, with approval from Public Works Director, Mike Miller, the Fire District requests adding two more fire hydrants; one at the entrance of 47th on the south side and one at the apartment entrance on the north side of 47th.

For Your Information: The following information is to address some things that are raised during the review. No additional information is needed to meet the completeness requirements for this project.

14. Overhang: Sheet A2.2, Lot 2 shows an overhang that goes to the right-of-way. The Planning Commission approved modifications to setbacks as listed in Resolution PC 08 09 PUD



01. Resolution PC 08 09 PUD 01 states, “b. Portions of the building facades to be a minimum of 8 feet from the property line along the Spruce Street and 47th Street right-of-way, as illustrated on Exhibit 45, Sheet A1.2, with the condition that within the 10.5-foot planting and sidewalk area along Spruce Street and 47th Street, a 6-foot sidewalk is provided (the 10.5-foot planting and sidewalk area is illustrated on Exhibit 45, Sheets C6.0, C6.1 and C6.2).” The modification approved did not address the overhang within the right-of-way. The overhang will be addressed during design review for that building.

15. Development of Roads: On page 11 of 13 of the Compliance Statement for Phase 1 Final Planned Unit Development the developer requests “that some of the streets be partially complete with final improvements done as the project is built-out”. The property owner may build one building on the site prior to recording of the final subdivision plat. In this case, during the Design Review for the first building, a site plan shall show and label the setbacks from the entire 17-acre property (see also #4).

As part of the final subdivision approval, all the construction improvements will be required to be complete and approved prior to the approval of the final subdivision plat. If the improvements are not completed, a bond or other financial security will be required to insure that the improvements will be complete in a timely manor.

16. Parking: In reviewing the sheet A1.1 and the extra sheet which provides PUD parking data, staff has found:

- The number of parking spaces provided in the entire PUD is the same as the Tentative PUD development
- The number of required parking spaces per lot has not changed
- The number of parking spaces provided per lot has changed
- The number of parking spaces shown on the PUD plan is different than what the chart shows of the number of parking spaces per lot.
- Once a lot is reviewed under Design Review, the number of required parking spaces shall be provided on that lot. In the code, there are two ways to reduce the number of required parking spaces. One option is a variance (meeting the requirements of FCC 10-5) and the other is Common Facilities for Mixed Uses (meeting the requirements of FCC 10-3-5).
- Parking will not be an issue for the Design Review for Lot 1, but will come an issue built out occurs.

17. Wall Construction: Condition 5i states, “Before installation of public improvements for the “South 47th” or the “Spruce” Phase of the PUD (as illustrated in Exhibit 45, Sheet A1.3) has begun, the wall between Florentine Estates and the project site shall be constructed.” Phase I includes South 47<sup>th</sup> and Part of Spruce phases from the Tentative PUD. In the Compliance Statement for Phase 1 Final Planned Unit Development, it is indicated that the intent is to build the wall where Phase I abuts Florentine Estates. The justification provided will be given to the Planning Commission, but the Commission may decide to require the entire wall be constructed with Phase I.

The additional/revised information may be emailed to me at [michelle.pezley@ci.florence.or.us](mailto:michelle.pezley@ci.florence.or.us). It would be helpful if we could also receive the submitted drawings and tentative plan with contours by email as well. These clarifications will help staff in preparing the staff report and providing the clearest information for the public record, and reduce conflict between documents.

You do have the right to deem the application complete at any time during this process, but please be aware that you have the burden of proof to meet the applicable criteria as stated in Florence City Code (FCC) 2-10-6. Furthermore, you have up to 180 days from the original submittal date to provide the needed information or the application will be voided. Thus, you have until November 11, 2012 to provide additional information.

Please note that in reviewing the application for completeness, we did not complete an analysis as to whether or not the project meets the code. We will do that analysis as we prepare the staff report and make sure you are aware of any issues in a timely manner so you can address them prior to the public hearing.

If you have any questions, please feel free to contact me at [michelle.pezley@ci.florence.or.us](mailto:michelle.pezley@ci.florence.or.us) or at 541-997-8237. Please note that I will be out of the office between July 5<sup>th</sup> - July 19<sup>th</sup>. Please feel free to contact Sandra Belson at [sandra.belson@ci.florence.or.us](mailto:sandra.belson@ci.florence.or.us) in my absence.

Sincerely,



Michelle K. Pezley  
Assistant Planner

cc: Jacque Betz, City Manager  
Sandra Belson, Community Development Director  
Land Use File PC 12 12 FPUD 01  
PC 12 13 SUB 01  
PC 12 14 DR 01

## Michelle Pezley

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**From:** Sandra Belson  
**Sent:** Thursday, June 14, 2012 9:07 AM  
**To:** Michelle Pezley  
**Subject:** FW: Cannery Station Final PUD Phase 1  
FYI.

Sandra Belson

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**From:** Teresa Bishow [mailto:Teresa@arlie.com]  
**Sent:** Thursday, June 14, 2012 8:55 AM  
**To:** Sandra Belson  
**Cc:** matt.keenan@kpffcivilpdx.com; Lorri Nelson  
**Subject:** Cannery Station Final PUD Phase 1

Sandra,

Thanks for calling me this morning to discuss the Phase 1 Final PUD. Based on our conversation, this is written confirmation that Cannery Station LLC grants an extension to the 30 day period for reviewing the application for completeness to Monday, July 2. This timeline extension also applies to the Preliminary Subdivision and Design Review applications that were submitted at the same time.

We appreciate the time staff are spending reviewing the applications.

I look forward to hearing from you by July 2<sup>nd</sup>.

/Teresa

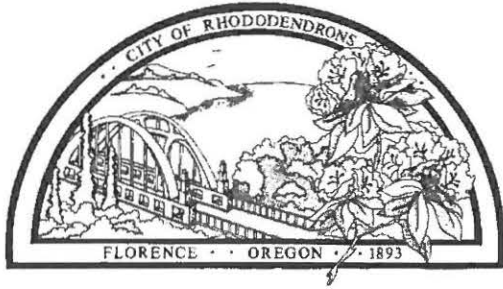
Teresa Bishow, AICP  
Director of Planning & Development  
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6/14/2012





## *City of Florence*

Community Development Department

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November 7, 2012

Teresa Bishow, AICP  
Arlie & Company  
2911 Tennyson Avenue Suite 400  
Eugene, Oregon 97439  
Mailed via email: [teresa@arlie.com](mailto:teresa@arlie.com)

RE: 180 days expiration for:  
Cannery Station Phase I Final PUD, Tentative Subdivision Plan, and Design Review

Dear Ms. Bishow,

On May 17, 2012, the City received the three applications for Cannery Station: Phase I Final PUD, Tentative Subdivision Plan, and Design Review. On July 2, 2012, the City provided a letter explaining what was needed before the City may deem the applications three applications complete (see attached).

On October 23, you asked if the City may extend the 180 day deadline to receive a complete application. The 180 day deadline is from Oregon Revised Statute (ORS) 227.178. The ORS states:

“(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

- (a) All of the missing information;
- (b) Some of the missing information and written notice that no other information will be provided; or
- (c) Written notice that none of the missing information will be provided.”

As mentioned in our conversation on October 25, 2012, the city may not extend the 180 day timeframe. However, staff is willing to work with you in the land use process to wait to gain the needed information before moving forward with a public hearing if we hear that you do want to continue with the applications.

If you would like to move forward, the City is willing to delay the public hearing date if you agree to wave the 120 day rule (ORS 227.178 (5) and (6)) or wave the 120 day rule to a time

certain. Please note that the 180 days from original submittal date to provide the needed information is November 13, 2012. The applications will be void on November 14, 2012.

Staff is supportive of Cannery Station would like to see the project move forward. Please let me know in writing or email how you would like to move forward. The additional/revised information may be emailed to me at [michelle.pezley@ci.florence.or.us](mailto:michelle.pezley@ci.florence.or.us).

If you have any questions, please feel free to contact me at [michelle.pezley@ci.florence.or.us](mailto:michelle.pezley@ci.florence.or.us) or at 541-997-8237. Please note that I will be out of the office between November 12<sup>th</sup> to November 23<sup>rd</sup>. Please feel free to contact Kelli Weese, Interim Planning Director, at [kelli.weese@ci.florence.or.us](mailto:kelli.weese@ci.florence.or.us) or at 541.997.3437 in my absence.

Sincerely,



Michelle K. Pezley  
Associate Planner

Enclosure

cc: Jacque Betz, City Manager  
Kelli Weese, Interim Planning Director  
Land Use File PC 12 12 FPUD 01  
PC 12 13 SUB 01  
PC 12 14 DR 01





## MEMORANDUM

**TO:** Michelle Pezley  
Kelli Weese

**FROM:** Teresa Bishow, AICP

**DATE:** November 12, 2012

**SUBJECT:** CANNERY STATION

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This memo is written to let you know that Cannery Station, LLC does not plan to submit any supplemental material concerning the following land use applications by November 13, 2012:

Cannery Station, Phase I Final PUD (*PC 12 12 FPUD 01*)  
Cannery Station Tentative Subdivision Plan (*PC 12 13 SUB 01*)  
Cannery Station Design Review (*PC 12 14 DR 01*)

In accordance with ORS 227.178 (4)(c), we respectfully request that the City consider this written notice that none of the missing information identified by the City in a letter dated July 2, 2012 will be provided.

I understand this memo will retain the status of the above applications as “pending” instead of being deemed void. Furthermore, I understand since we have elected not to submit missing information within 180 days from the original submittal date, the City will begin processing the applications.

Please let me know if you have any questions or need further clarification. I can be reached at 541-344-5500 or via e-mail at [Teresa@arlie.com](mailto:Teresa@arlie.com).



## *City of Florence*

Planning Department

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December 12, 2012

Teresa Bishow, AICP  
Arlie & Company  
2911 Tennyson Avenue Suite 400  
Eugene, Oregon 97439  
Mailed via email: [teresa@arlie.com](mailto:teresa@arlie.com)

RE: Preliminary Review- Letter of Completeness  
Cannery Station Phase I Final PUD, Tentative Subdivision Plan, and Design Review

Dear Ms. Bishow,

Thank you for your memorandum dated Nov. 12, 2012, which states that Cannery Station LLC does not plan to submit any supplemental material concerning the three applications: Cannery Station, Phase I Final PUD (PC 12 12 FPUD 01); Cannery Station Tentative Subdivision Plan (PC 12 13 SUB 01); Cannery Station Design Review (PC 12 14 DR 01).

Per our conversation on November 26, 2012, we talked about the possibility of extending the City's 120-day review to give more time to submit additional information. The City has not received a request to extend the 120 days at this point; therefore, the City needs to begin processing the applications to make sure there is adequate time for a final decision by March 13, 2012.

The public hearing is scheduled for January 8, 2013 at 7:00 PM. Notice of Hearing will be mailed December 19, 2012.

If you have any questions, please feel free to contact me at [michelle.pezley@ci.florence.or.us](mailto:michelle.pezley@ci.florence.or.us) or at 541-997-8237.

Sincerely,

*Michelle K. Pezley*

Michelle Pezley  
Associate Planner


cc: Jacques Betz, City Manager  
Kelli Weese, Planning Director  
Land Use File PC 12 12 FPUD 01  
PC 12 13 SUB 01

PC 12 14 DR 01



## MEMORANDUM

TO: Michelle Pezley  
Kelli Weese

FROM: Teresa Bishow, AICP 

DATE: December 13, 2012

SUBJECT: CANNERY STATION

---

This memo is written to grant a waiver to the 120-day rule concerning the following land use applications:

Cannery Station, Phase I Final PUD (*PC 12 12 FPUD 01*)  
Cannery Station Tentative Subdivision Plan (*PC 12 13 SUB 01*)  
Cannery Station Design Review (*PC 12 14 DR 01*)

I understand entirely waiving the 120 day rule will allow the City to delay the mailing of the Notice of Hearing to April 24, 2013 for a Public Hearing on May 14, 2013.

I understand this memo will retain the status of the above applications as "pending" instead of being deemed void.

If you have any questions, I can be reached via e-mail at [Teresa@arlie.com](mailto:Teresa@arlie.com) or by phone at 541-344-5500.





## *City of Florence*

Planning Department

250 Highway 101  
Florence, OR 97439-7623

PH: (541) 997-8237  
FAX: (541) 997-4109

December 18, 2012

Teresa Bishow, AICP  
Arlie & Company  
2911 Tennyson Avenue Suite 400  
Eugene, Oregon 97439  
Mailed via email: [teresa@arlie.com](mailto:teresa@arlie.com)

RE: Cannery Station Phase I Final PUD, Tentative Subdivision Plan, and Design Review

Dear Ms. Bishow,

Thank you for your memorandum dated December 13, 2012, which waives the 120 day rule concerning the three applications: Cannery Station, Phase I Final PUD (PC 12 12 FPUD 01); Cannery Station Tentative Subdivision Plan (PC 12 13 SUB 01); Cannery Station Design Review (PC 12 14 DR 01).

The public hearing is now scheduled for May 14, 2013 at 7 p.m. Notice of Hearing will be mailed April 23, 2013.

If you have any questions, please feel free to contact me at [michelle.pezley@ci.florence.or.us](mailto:michelle.pezley@ci.florence.or.us) or at 541-997-8237.

Sincerely,

*Michelle K. Pezley*

Michelle Pezley  
Associate Planner

cc: Jacques Betz, City Manager  
Kelli Weese, Interim Planning Director  
Land Use File PC 12 12 FPUD 01  
PC 12 13 SUB 01  
PC 12 14 DR 01