

**FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
Exhibit "A1.1 & A2.1"**

Public Hearing Date: March 12, 2019 continued to April 9th
Date of Report: April 9, 2019
Applications: PC 18 33 PUD 02 Cannery Station, Phase I Final Planned Unit Development (PUD) &
PC 18 34 SUB 01 Cannery Station Tentative Subdivision

I. PROPOSAL DESCRIPTION

Proposal: A request for Phase 1 final planned unit development and tentative subdivision plan review. Phase 1 is located on the southern half of the Cannery Station PUD, and would include an Assisted Living Facility, 10 Transitional Cottages, 2 commercial buildings and one apartment building. The subdivision proposes 6 lots consisting of three streets and 4 tracts to be used for stormwater, open space, and reservation for future land division via a replat. Their application included concurrent design review application for the aforementioned facilities. The applicant proposes to singularly advance Lot 2 improvements for design review with this Final PUD and Tentative Subdivision proposal. The other 3 buildings will be reviewed at a later date.

Lot 2 will consist of the following components:

- 64-bed assisted living care and memory care facility in a three-story residential structure;
- 8 single-story, attached transitional cottage units in two four-plexes that will be associated with the living facility; and
- Associated parking, landscaping, stormwater management facilities and other site improvements.

Applicant: Cannery Station Development, LLC
10300 SW Greenburg Road, Suite 425
Portland, Oregon 97223
Owner's Representatives:
Charles T. McGlade, MD, Kristen Taylor, TBG Architects & Brian Cavaness, American United

Property Owners: Same as applicant

Location: 87344 Munsel Lake Road
Florence, Oregon 97439
Map # 18-12-14-20 Taxlot 700

Site: Subdivision approximately 17.8 acres, 776,220 sq. ft.
Final PUD Phase 1 7.27 acres 316,821 sq. ft.
Lot 2: 172,149 sq. ft., 4 acres

Comprehensive Plan Map Designation: North Commercial Node (NCN)

Zone Map Classification: North Commercial District

Surrounding Land Use / Zoning:

Site: Vacant / North Commercial District
North: Vacant, Undeveloped / North Commercial District
South: Church / North Commercial District
East: Single-Family Residence-detached, Florentine Estates / Single-Family Residential
West: Across Highway 101, commercial retail sales-Fred Meyer retail store/ North Commercial District

Streets / Classification:

West – Highway 101 / Major Arterial; North – Munsel Lake Road / Minor Arterial;
East – None, South – None

II. NARRATIVE

Background--The 776,220 square-foot lot on the southeast corner of Munsel Lake Road and Highway 101 first received approval for the Cannery Station Development in 2008. Prior to annexation in 1988, the Site had an address of 87344 Munsel Lake Road. The Site was previously occupied by a single-family residence accessed through the driveway on Munsel Lake Road, closest to the Highway 101 intersection. This area was zoned Single-Family Residential until at least 2000.

The former property owner, Arlie & Company was granted preliminary PUD approval by the Florence Planning Commission on November 12, 2008 to develop the 17.8 acre site. As part of the 2008 Preliminary PUD approval, the City approved a Phasing Plan for Cannery Station that allowed for the approval of each subdivision in phases. The Final PUD, subdivision, and Design Review applications could be submitted over a ten-year period from the date of Preliminary PUD approval. The 2008 approval received two extensions in 2009 and 2011. In 2012 the Phase 1 Final PUD and Tentative Subdivision was applied for. In 2014, another extension was granted for Chuck McGlade representing Alfero property, the new owners. The project has since expired.

Mr. McGlade has secured new investors and in Spring 2018 re-applied for Preliminary PUD for the entire site to be executed in as many as eight phases over a 10-year period. The project received Preliminary PUD approval on June 26, 2018, effective July 5, 2018 as PC 18 12 PUD 01.

Proposal-- final planned unit development plan for Phase 1 and review of a tentative subdivision proposal for Phase 1. Phase 1 of the PUD is located on the southern half of Cannery Station and would include an Assisted Living Facility, 10 Transitional Cottages, 2 commercial buildings and one apartment building. The subdivision proposes 6 lots, 3 streets, and 4 undevelopable tracts to be used for stormwater, open space, and future land division via a replat. The northern portion of the lot is included in the plat as Tract D. Their application included concurrent design review application for the aforementioned facilities. The applicant proposes to singularly advance Lot 2 improvements for design review with this Final PUD and Tentative Subdivision proposal. The other 3 buildings will be reviewed at a later date.

III. NOTICES & REFERRALS

Notice: On February 20, 2019 notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on February 20, 2019. Notice was published in the Siuslaw News on March 6, 2019.

At the time of this report, the City had received the following public comments on the proposal:

Coleman and Janis Jones, 304 Manzanita Dr., Florence- They are not opposed to development but are concerned about adding to the “already problematic traffic in the area” namely turns onto Hwy 101 from Munsel Lake Rd. and exiting Fred Meyer in either direction. They are hoping a new traffic light is being considered to “reduce the number of south bound (PCH) speeding vehicles” and “reduce the risk factor of entering the highway from both Fred Meyers and the new development parking lots.”

Referrals: Referrals have been sought on this project since application was made in September. Consultations have been made with ODOT, Lane County, Central Lincoln PUD, Siuslaw Fire and Rescue, and peer review specialists for transportation and utilities. The entities have responded over time as the application materials were revised and re-reviewed. Most recently on February 21, 2019, referrals were emailed to the Florence Building Department, Florence Police Department, Florence Public Works, the Building Department LLC, the Department of Land Conservation and Development, Western Lane Ambulance District, Central Lincoln PUD, the United States Postal Service, Charter, Century Link, Coastcom, Code Enforcement, Oregon Department of Transportation, Lane County Transportation and Planning Oregon Department of Aviation, and Siuslaw Valley Fire and Rescue.

At the time of this report, the City had received the following referral comments on the proposal. All of each agency’s comments are included in reverse chronological order with the most recent comments at the beginning.

Civil West Engineering Services: Engineering professional peer review entity for the City of Florence. They specifically provided review on the stormwater drainage plan. Comments are dated February 26, January 16, January 11 and March 27. After clarifications were provided and corrections made Civil West was satisfied with the

Phase 1 Drainage Report. It is noted that more drainage facility design specificity will be forthcoming with construction plans submitted for City review and approval.

Supplemental Comments: On March 12th Civil West provided responses to Florentine Estates testimony on stormwater questions. These were provided to PC on the dais but due to the print format submitted they were not legible as they were notes within a pdf. These were resubmitted dated March 27th and included in the updated Referral packet for the April 9th continuance. Civil West had no concerns with the points brought up by Florentine, with the exception of one. Civil West recommends the pond perimeter sides be constructed with non/low permeable material. This condition has added to Condition 10.

JRH Transportation Engineering: Transportation engineering professional peer review entity for the City of Florence. They specifically provided review on the transportation impact analysis and supplementary materials. After clarifications were provided JRH had the following comments: Transit Facility criteria have not been addressed or met, emergency vehicle circulation is met, pedestrian connectivity is met, Munsel Lake Road requires additional land dedication to accommodate a right-hand turn lane for westbound to northbound right turns. ODOT requires a reservation of land to provide for a future right-hand-turn lane. He requests a supplementary memo showing each parcel, its land use, the independent variable used and size of the independent variable and a description of the land use as describe in the ITE publication 10th Edition. Reasoning for land use presented must be provided to avoid ambiguity. Additional specificity of his findings is in the report and conditions of approval.

Lane County Transportation Planning: Munsel Lake Rd. improvements will be required with the next phase of the PUD, right-of-way dedication will be required to provide a 35 foot strip from the existing centerline of the ROW, emergency access must be gated and locked once construction is complete, a facility permit is required to access Munsel Lake Rd., existing MLR access must be removed and match existing roadside ditch, facility permits are required for any improvements proposed within the ROW, no stormwater run-off can exit onto county ROW, additional details are required for any ROW connectivity such as the walking path on the east side of the development in Tract C.

Oregon Department of Transportation: Requested highway dedication for projects 9 and 15 of the TSP (traffic signal and 101 widening), channelization of Munsel Lake Rd. with dedicated turn-lanes, 47th St. ped crossing may impact turn movements, stormwater management plan must be provided that meets ODOT hydraulics Manual Chapter 4, Appendix C and ensure design follows, Chapter 12.5 of the Hydraulics manual. It must detail where stormwater from on-site and from the highway frontage will outlet and ensure adequate capacity of the receiving facilities. Plans are to include details of the connections to drainage system in ODOT ROW. Cannery Station stormwater must be, collected and treated on site for the full-build out. Connection to state drainage facilities requires an ODOT Miscellaneous Permit from ODOT District 5 Maintenance Office.

Supplemental Comments: Additional comments from ODOT were received on

March 8, 2019 and April 2, 2019.

Jenna Berman supplied comments regarding an enhanced pedestrian crossing at the location between 46th and 47th Streets as a solution to the need generated by the proposed development. **Exhibit I4.3**

Keith Blair supplied comments related to the TIA update and recommended additional storage lengths for 47th Street and future development related to Munsel Lake Road/Highway 101. **Exhibit I4.4**

Jenna Berman supplied additional comments regarding the required design of the pedestrian crossing due to roadway factors, safety concerns, and other logistical concerns requiring a pedestrian crossing in this location. **Exhibit I4.5**

Siuslaw Valley Fire and Rescue: Correspondence between the SVFR & the applicant has been ongoing since July 2018 to clarify and meet the requirements for emergency access. SVFR is satisfied with the proposal for the intersection details if they meet fire apparatus access code for the ladder truck. December 2018 correspondence requested second means of ingress/egress be detailed on the plans or that all buildings have fire sprinkler systems regardless of occupancy type. Revised plans include second means of ingress/egress and they state they will be constructed to meet fire code.

Public Works: Public Works Director Mike Miller supplied comments March 5, 2019 which were distributed on the dais at the initial public hearing. Public Works Director Miller supplied comments related to constructability of plans and retaining streets as private until such time that the entire project is completed (including Phase 2 or any future phases).

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-6-3

Chapter 3: Off-Street Parking and Loading, Sections 2 through 5 & 8 through 11

Chapter 7: Special Development Standards, Sections 2, 3, 6 and 7

Chapter 23: Planned Unit Development

Chapter 30: North Commercial District, Section 2, 5 and 6

Chapter 34: Landscaping, Sections 3 through 5

Chapter 35: Access and Circulation, Sections 2-4, 2-6 through 2-9, 2-12, 2-14 & 3

Chapter 36: Public Facilities, Sections 2-16 through 2-18, and 3 through 8

Florence City Code, Title 9:

Chapter 5: Stormwater Management Requirements, Sections 1 through 7

Florence City Code, Title 11:

Chapter 1, Subdivision Administration Provisions

Chapter 3, Major Partition, Tentative Plan Procedure

Chapter 5, Platting and Mapping Standards

Other Applicable Criteria:

Compliance with Conditions of Approval for the Preliminary PUD.
Realization 2020 Florence Comprehensive Plan

V. FINDINGS

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6-3 LAND USE HEARINGS:

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

6. Planned Unit Developments, preliminary and final plans.

10. Subdivisions.

Applicant is proposing Phase 1 Final PUD and Tentative Subdivision Plat. Review applies as per 10-1-1-6-3 and a hearing is required.

B. Notification of Hearing:

- 1. At least twenty (20) days prior to a 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 quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.**

Notification of the quasi-judicial land use hearing for this application was mailed on February 20, 2019, 21 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on March 6, 2019. Criterion are met.

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 criterion 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 criterion 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 mailed to surrounding property owners consistent with the criteria noted above. The application was properly noticed and these criteria are met.

D. Hearing Procedure: All quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 10.

The Planning Commission met and decided upon the application in accordance with FCC 2-10.

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.**

The Planning Commission will receive all evidence deemed relevant at the public hearing. The Planning Commission may deny approval should they determine that insufficient evidence has been provided to indicate that the application meets the applicable criterion. The burden to supply such evidence is upon the applicant.

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

In addition to Final PUD and Tentative Subdivision the applicant has submitted additional materials to be processed concurrently for Design Review, the Assisted Living Facility and the Transitional cottages. All applications are currently pending and expected to be presented at the March 12, 2019 Planning Commission public hearing. Applications and materials received for the apartment building, transitional cottages (east of Spruce/not part of the ALF) and the two commercial buildings are incomplete and are not being processed with these applications. The applicant has advised the city of its intent to not submit any additional materials for the Final PUD, Tentative subdivision and Lot 2 development in accordance with ORS 227.178(2)(c). These three projects are being processed under a consolidated procedure. The applicant has also submitted a request for an expedited review.

10-23: PLANNED UNIT DEVELOPMENT

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

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

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

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

FINDING: The Planning Commission's action approving the Preliminary PUD went into effect on July 5, 2018. This Phase 1 Final PUD was submitted within the mandated time frame. Criterion is met.

2. **Final development plans shall include plans for proposed:**
 - a. **Storm drainage.**
 - b. **Sewer and water utilities.**
 - c. **Streets, pedestrian ways, trails and paths.**
 - d. **Preliminary subdivision plan, if property is proposed to be divided.**
 - e. **Open Space and Parklands to be dedicated to the public or held in Homeowner Association ownership. (Ord. No. 2, Series 2011)**

FINDING: The Phase 1 Final PUD contains development plans for public improvements and subdivision that were prepared by a Registered Engineer and submitted for review by City staff including:

- Storm drainage
- Sewer and water utilities
- Streets and pedestrian ways
- Tentative Subdivision Plan
- Open Space

A Preliminary subdivision plan is being reviewed concurrently with the Final PUD for subdivision into six lots, four tracts and three streets. Criterion is met.

3. **Plans for public improvements shall be prepared by a Registered Engineer and shall be approved by City staff before final approval by the Planning Commission.**

FINDING: The applicant has provided plans prepared by a registered engineer. City of Florence Public Works has coordinated with the applicant on the public improvement plan materials provided in this and previous applications. PW noted that the provision of adequate public facilities can be provided, as conditioned (including the provision of more detailed construction plans during the construction phase of the project). Criterion met.

4. **If the Planning Commission finds evidence of a material deviation from the preliminary development plan, the Planning Commission shall advise the applicant to submit an application for amendment of the planned unit**

development. An amendment shall be considered in the same manner as an original application.

FINDING: These Findings of Fact will show that the Phase 1 Final PUD is in substantial conformance with the Preliminary PUD and standards applicable as of July 5, 2018 (as conditioned, and where applicable). The applicant provided a revision with the February resubmittal of application materials, whereby Phase 1's Tract C pedestrian connectivity and recreational use open space of the PUD is proposed to be delayed until the Joint Permit is received from Army Corps for the wetland in the NE corner of the development. A condition is included ensuring pedestrian connectivity and recreational open space percentage is maintained. As a result, there are no material deviation from the preliminary development plan.

Compliance with Preliminary PUD Conditions of Approval (from Resolution PC 18 12 PUD 01):

2. Regardless of the content of material presented for this Planning Commission, 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 this date, EXCEPT where variance 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/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval.

This condition was met for the Preliminary PUD. It will carry over to this and all future land use applications.

3. The proposed development plans must demonstrate engineering appropriate to the site (such as foundation clearance from slope) in accordance with Oregon Building Codes. Plans must also have a grading design prepared by a registered engineer and approved by the City that also address drainage and revegetation. The applicant shall ensure proper maintenance of their drainage system as well as ensuring the prevention of effluent from eroding the slopes. Buildings and their footings shall be located greater than 84' elevation to avoid inundation with ordinary high ground water.

The applicant provided a grading plan prepared by a registered engineer. There is a 2018 approved vegetation clearing permit for a portion of the Phase 1 site. The revised grading plan illustrates the new areas proposed for grading and clearing. They include removal of vegetation north of proposed 47th St. the northern area of proposed Spruce St. to be located in a future phase. No revegetation was proposed for the new areas not part of Phase 1. The applicant, for any cleared areas within Phase 1 of Cannery Station, shall:

a) Monitor cleared areas and prevent the planting or establishment as described within Oregon's official Noxious Weed Priority List as designated by the Oregon State Weed

Board and Oregon Department of Agriculture as well as those included within Lane County Public Works' Noxious & Invasive Weed Management List.

b) Manage noxious weeds through mechanical means and only utilize herbicide application as a last resort through consultation with the City of Florence Planning and Public Works Departments.

c) Manage erosion and soil stabilization through Best Management Practices established through the 2008 Portland Erosion and Sediment Control Manual and where not included in the BMPs exposed soils shall be covered with root mat. (Condition 3) All finished foundation elevations for buildings are greater than 84'. Buildings and their footings within all of Cannery Station shall be located greater than 84' elevation to avoid inundation with ordinary high ground water. (Condition 4)

The proposed grading plan, prepared by an engineer, did not include engineering evidence of appropriate foundation slope clearance between the stormwater basin in Open Space A and the church building to the south. Either a Phase 2 Site Investigation Report is required to address the slope clearance or the final stormwater infrastructure construction plans shall include evidence of engineering appropriate to meet the foundation slope clearance in accordance with Oregon Building Codes as offered by FCC 10-7-6-A-2. If building codes are not applicable to this scenario then a Phase 2 SIR is required to be submitted to the City Planning Dept. prior to grading the aforementioned area. (Condition 5)

4. The total number of beds available within the AL facility, associated single story cottages, and memory care shall be used in the transportation impact analysis.

The revised July 2018 TIA and amended January 23, 2019 version included bed counts in the AL and memory care facility and associated cottages. This criterion is met.

5. The applicant shall monetarily participate in the construction of the pedestrian crossing between Fred Meyer and Cannery Station in conjunction with a land use action where it is found that demand is warranted and a nexus is met. ODOT shall approve the construction and timing.

The above written condition incorrectly uses the phrase "participate in the construction of the pedestrian crossing" where it should state contribute proportionately to construction of the pedestrian crossing". The pedestrian crossing between Fred Meyer and the Cannery Station site is called out in the 2012 TSP. The applicant proposes a mixed-use Phase 1 Final PUD with subsequent design review applications for construction of Phase 1 buildings. The buildings include an Assisted Living Facility that actually functions as a continuing care facility in that it includes 10 independent living cottages. Also proposed are a 42-unit apartment complex and two commercial buildings with capacity for at least 4 businesses total.

The 2017 Housing Needs Analysis states Florence's people per household ratio is 1.95. Using this ratio is reasonable since the Cannery TIA counts did not restrict apartment trip types to senior uses. Applying this ratio to the proposed 42 apartment units in Phase 1 calculates to 81.9 individuals. The Assisted Living Facility and associated cottages include 74 units, 20 of which will be memory care. Applying a reasonable ratio to the 54 ALF units of 1.35 people per household (18 couples) adds 72.9 people to the 81.9 independent living individuals totaling 155 people living in Phase 1. Phase 2 is proposed to have a second 40-unit apartment building and 18 single family attached units adding another 113 residents

totaling 268 Cannery Station residents. The ALF and apartment buildings will also have employees, medical staff, and personal care assistants. Additionally, there is 47,031 sq. ft. of commercial space proposed in 9 buildings with approximately 25 business fronts. With three larger buildings hosting 10 employees at a time and the remaining 22 businesses having at least 50 employees on site at a time the employee count is a conservative 80 people. There will be people walking for exercise, to shop, and to catch the bus at Fred Meyer. There will be pedestrian traffic generated from the Cannery Station proposal.

In the revised January 23, 2019 TIA and previous supplemental materials comments are provided on the pedestrian crossing impacts for Highway 101. Sandow Engineering stated that a 20 person per hour count was the threshold for a crossing where the speed limit is 40 mph. No estimated pedestrian counts were provided from other similar projects owned by the applicant or from other types of similar uses such as the apartment building, rather a blanket statement that this phase will not trigger the 20 person per hour threshold.

ODOT provided referral comments addressing a pedestrian crossing at this location. They include the following:

Berman, March 8th: Region Two could potentially support an enhance pedestrian crossing at this location that would likely include a median island and a Rapid Flashing Beacon as appropriate given the facility and roadway characteristics. With these many apartments across from a Fred Meyer a crossing would likely generate some level of need.

Berman, April 2nd: Passing comments from Scott Nelson stating he has reviewed 9 wheelchair fatalities from the ADA program that occurred over the last 5 years and two of them were at assisted living facilities and comments from Dorothy Upton stating Region 2 supports and recommends an enhanced crossing at this location due to the segment being a higher speed, multi-lane facility with pedestrian generators on both side of the highway. She further states the section Sandow cited from the MUTCD is a statement under the Pedestrian Hybrid Beacon and does not include Rapid Flashing Beacon crossings. The PHB has a threshold since it physically stops via a red indication while the RRFB does not since it is only a warning device. She continues to state a RRFB is warranted due to the following:

"This is a higher speed facility (over 30 MPH).

· This is a multi-lane facility where there is the threat of vehicles blocking sight of pedestrians.

· There is a bus stop in this segment that will draw pedestrians.

· Having Fred Meyer on the west side is also a pedestrian draw.

· Pedestrian usage of an enhanced crossing is not dependent on peak hour traffic volumes which are assumed to be weekday pm. This location will likely have usage outside of that period.

· I disagree with the statement that the "assisted living is not anticipated to generate pedestrians on a consistent basis" - What about employees/care givers that may want to have a nice walk over to the store to get lunch or just a few items.

We also need to consider that this is only Phase 1 so there will be more generation in the future. If the City wanted to condition changes to the phases, then perhaps all the improvements (markings, signs, islands and/or curb extensions) with a future RRFB conditioned."

"My stance, though, is that there will be a need for an enhanced crossing as pedestrians will just be darting across the highway. I don't think that a PHB is the way to go, but a crossing with median island and RRFB's is appropriate. We have done this in other cases, most recently for an apartment complex in the fringe of Philomath that was tagged for the cost of installation of the RRFB and then the City of Philomath is handling the maintenance and operations."

Additional reasons to support a RRFB crossing include: a recent request for a traffic speed reduction filed early April found there were 5 injury crashes in 2018 in this area and 47% of the population proposed for Phase 1 have the strong potential to be mobility compromised with slower walking speeds. The Federal Highway Administration Research and Technology published a report listing walking speeds for an average adult as 4 feet per second. A senior adult has a walking speed of 2.8 feet per second and pedestrians with arthritis in their knee walk at a rate of 2.4 feet per second and finally a person with a walker walks at 2.07 feet per second.

The City and ODOT concur there's a nexus for a pedestrian crossing to be placed between Cannery Station and Fred Meyer. The specific location would need to be coordinated with ODOT. This leaves the question of proportionality. Another crossing is proposed at 43rd St. and a signal is proposed at Munsel Lake Rd. There are no other residential uses between 43rd and the Cannery Station site. There are two churches, one storage unit complex, and an excavation equipment storage yard south of the development to 43rd St. and an empty office building north of Fred Meyer to Munsel Lake Rd. None of the above-mentioned uses have pedestrian generators on a consistent basis. It is more likely the residents of the Cannery Station Development would generate pedestrian traffic to the church sites. The Cannery Station development is creating a demand for a pedestrian crossing as there are few if any reasons to cross at this location presently. Due to the mixed use of the site there will be pedestrian trips both to and from this location to reach the proposed commercial uses onsite by residents living south of 43rd St. and FM employees and for residents to shop for groceries and pharmaceuticals available at Fred Meyer.

The pedestrian crossing cost and construction could be divided up as suggested by Dorothy Upton of Region 2 between the two phases. Another option since the project proposes full buildout in 10 years is to build the improvement through a reimbursement district and receive compensation from future phases of development. The applicant shall construct a pedestrian activated crossing across Highway 101 near the intersection of 47th and Highway 101. Construction can be performed all at once or divided into two phases whereby *markings, signs, islands and/or curb extensions* are constructed first and the beacon installed with Phase 2. (Condition 7)

6. Pedestrian facilities supporting transit will be assessed and required in accordance with the TSP, city code FCC 10-35-4 and state law with each Phase of final PUD, tentative subdivision and design review. Coordination shall occur with ODOT and the City of Florence on location and timing.

Pedestrian connectivity to a transit stop within a ¼ mile of project site is required by Title 10 Chapter 36. Fred Meyer is identified in the TSP as a major Transit Stop. The Cannery

Station site is located within a ¼ mile of the Fred Meyer transit stop. Pedestrian connectivity to the transit stop at Fred Meyer is required in accordance with Title 10 Chapter 35-4. This requires demarcation and installation of a pedestrian crossing across Highway 101 from and to improved ADA accessible pedestrian facilities. (Condition 8)

7. Any open space proposed to be impervious such as building entries and courtyards shall be designed with pavers, stamped concrete or colored concrete in a patterned or mural type display. The walking path in Open Spaces B, C, and D is exempt from this requirement. The open space development plans shall be submitted with each phase detailing the specific quantity and amenities.

The applicant's open space plan includes impervious areas. They propose brushed tan concrete using the same expansion joint pattern as the abutting concrete areas. The selection is neither stamped or mural type display. Brushed concrete while technically having a pattern does not meet the intent of the Preliminary PUD condition. Brushed concrete in the same grid pattern does not include sufficient diversity to set it apart from non-open space impervious areas. Adding features such as stamped borders and/or alternating brush pattern direction would. The requirement to meet this code criterion is addressed in Condition 12 that includes criteria for landscape setback exemptions. Original Condition 9 was deleted.



8. All public utilities shall be placed in easements that meet city code standards at the time of their proposal in a final PUD, subdivision, and design review application.

The utility plans show public utilities within proposed public right of way or in a 15' wide easement. The applicant's findings state they are within a 14' wide easement. 15' is the minimum width and Public Works prefers a 20' wide easement although code requires 15'.

9. Detailed utility, storm, and street light plans that meet city code are required to be submitted with each Final PUD phase and tentative subdivision for City review and approval.

Utility, storm and street light plans were submitted and designed to a level that is sufficient for Planning Commission approval. However, these plans are not ready for construction.

There are details, specifications and other items for constructability that will need to be included and reviewed prior to the plans being approved for construction. Items such as details and elevations for ADA ramps, curb cuts, water meter final placement, etc. Final utility, storm, and street light construction plans shall be submitted for review and approval by the City prior to construction of private improvements unless bonding for privately engineered public improvements is provided. (Condition 10)

10. Reservation easements shall be provided at the south ends of Spruce and Redwood Sts. during tentative subdivision application. The reservation easements shall measure the width of the streets and meet City of Florence standards.

Reservation easements have been provided meeting the condition and code. Criterion met.

11. Internal street layout within Cannery Station will be reviewed with applications for tentative subdivision and Final PUD within the development. They will be required to meet city code except where granted exceptions through the PUD process. Adequate public safety and emergency and fire truck access improvements will be required to include any needed changes for street and intersection geometry and provision of hammerheads or cul-de-sacs access terminations.

Street layout for Phase 1 was reviewed with the application. The design meets city code except at the intersections for width and the right-of-way width for Spruce St. Siuslaw Valley Fire and Rescue has reviewed the intersection geometry and finds they meet emergency and fire truck needs. Other than intersection throat width and right-of-way width no other exceptions were granted for the street layout throughout the PUD. (Informational 1)

12. The application for Phase 1 Final PUD, subdivision and design review shall include evidence of application for an access permit and coordination with Lane County on construction of needed pedestrian, vehicular, and stormwater infrastructure. The final design and implementation of the improvements shall be coordinated with the County, State, and the City. Any additional right-of-way required under Lane Code 15.105 on Munsel Lake Road may be required to be dedicated as County right-of-way. If public pedestrian and stormwater amenities are proposed to remain on the applicant's property then an access and maintenance easement shall be provided. Bicycle and pedestrian access plans will be required for Munsel Lake Rd. with a Final PUD application when the nexus is met and/or code requires their construction.

The applicant has provided evidence of Lane County access permit coordination. This permitting is needed for the temporary access. Because the plat includes Tract D the dedication, noted as needed by Lane County Transportation, of needed right-of-way has been conditioned elsewhere in the report.

13. The applicant shall provide a copy of the agreements, provisions, or covenants for the Cannery Station Homeowners Association prior to approval of final PUD and final subdivision.

The applicant has provided a copy as required. The agreements, provisions, and covenants include maintenance of open space as required by 10-23-6-C. The reference to on-street parking prohibition was also removed. The CC&Rs state local regulations preempt the CC&Rs. This criterion and the intent of its inclusion are met. cannot include standards contradictory to the land use approval or city code. (Condition 11)

14. Any private or public improvements to include utilities, open space, or similar

improvements not completed prior to application for final subdivision shall require a cash deposit, surety bond, or other similar guarantee reviewed and approved by the Public Works Director in order to insure the full and faithful performance by the parties involved not to exceed a period of two years after required improvements are completed.

This will be addressed with final plat request.

15. Lot 12 appears to include a drive-thru which could be a restaurant. If one is proposed a conditional use will be required and the TIA adjusted.

This condition runs with the project.

16. Due to the large width of highway frontage and the proposal to provide landscaping along and within the Highway right-of-way west of the encroaching parking spaces this exception is granted. Landscaping shall be of sufficient height to screen the headlights of cars within the parking lot. ODOT approval will be required to place private facilities within the highway right-of-way.

The proposal includes a 3' height landscaped berm on the west side of the parking fronting Highway 101. The berm is illustrated as beginning at the grade of the parking lot with plantings beginning at the near height of the vehicle headlights. As illustrated this condition is met.

17. The exception for the side street setback and landscape is permitted with the requirement that where the 10' landscaping is not provided pavers, decorated concrete, or similar treatment is provided. Building elements are not permitted to encroach into the right-of-way or any easements. Specific degree of exception will be reviewed with each Final PUD phase and granted if hardscape substitute is found to meet PUD criterion whereby the same or better result is achieved.

The notes for these areas indicate that they plan to use the same treatment as the impervious open space areas-colored brushed concrete. The requirement for the side street setback area is 10' of landscaping or pavers or decorated concrete. The decoration chosen should illustrate the same or more visual relief. 10' width of landscaping would have multiple textures and colors provided by the landscape materials. Brushed brown concrete does not provide the same or more visual relief as 10' width of landscaping. The condition was crafted so that the same or better result is achieved as 10' width of code compliant landscape. To incorporate flexibility for the developer and further meet the code by providing for both vertical and horizontal elements present in landscaping the condition is expanded as follows. 12) Phase 1 building permit applications that include impervious open space areas and side street setback exception areas shall include an illustrated true-to color design proposal. The hardscape treatments shall include at least two patterns and colors such as paver border in second color and imprint shape. Alternatively, the previously listed sidewalk treatment minus one color and one pattern and a combination of one element per 15' linear street length of the following shall be incorporated: window planter, planted wall trellis, flower basket on adjacent light pole, wall mural, parklet, or public art such as sculpture or interchangeable poetry pole or sidewalk poetry inscription. (Condition 12)

18. Single Family Attached Units East of Spruce St.--An exception to the 35' setback along the east project property line shall be granted with the requirement that the decks and associated staircases shall not extend more than 6' into the 35' setback and shall not exceed 8' above grade from the lowest point on the eastern property line. Also, the 15' buffer shall include vegetation with differing levels of canopy to provide screening and noise buffering at all heights. Evergreen tree species shall be selected and planted that reach a mature height of at least 40'. Single Family Attached Units West of Spruce St.--An exception is granted for a portion of the required 15' buffer. A 6' solid fence or wall is required with landscaping planted along the west side of the fence line to provide additional screening both the along the fence face as well as at least 15' in height along the fence line.

The proposal includes illustrations of the decks, fence, and grades meeting the requirements. The evergreen tree species chosen, Douglas Fir and Shore Pine, should reach heights of 40' with proper care and maintenance. Other tree and shrub species are included that will fill the 15' requirement along the fence face. This criterion is met.

19. The residential lots and lot area for the residential lots and commercial lots 1, 6, 7 & 8 shall not be less than proposed with Preliminary PUD. All other lots shall meet the criteria.

This is reviewed elsewhere. Criterion met.

20. Parking spaces shall not be used for product display or storage to include the use of cargo containers.

This is reviewed elsewhere. Criterion met.

21. Each use will be required to provide off-street parking spaces in accordance with FCC 10-3-3 and 10-3-4 both at the time of initial design review approval and for future "Change of Uses" as commercial/institutional building occupants change unless parking reductions are granted via a Common Facilities for Mixed Use process performed in accordance with 10-3-6.

This is reviewed elsewhere. Criterion met.

22. The single family attached overnight parking prohibition within the CC&Rs shall be removed. To comply with FCC 10-35-2-12-B-1 all driveways leading to enclosed parking shall be extended to 20'.

Criterion met.

23. The applicant shall ensure that each attached single-family dwelling provides a covered parking space suitable in area and dimension for one vehicle (9' 6" wide and 19' long each). No encroachments (such as water heaters, steps, door swings, etc.) into the required parking spaces shall be allowed.

Lots 3 & 4 the only single-family dwellings (attached) in Phase 1 both have covered parking. The floor plans do not illustrate any obstructions and meet the dimensional criterion. Criterion met.

24. An exception to permit 16 compact spaces no less than 8' by 17' is granted.

The parking plan illustrates 4 compact spaces in the Lot 6 commercial space. The spaces are 8'6" x 19'. Twelve additional compact spaces are permitted within the Cannery Project. Criterion met.

25. An off-street loading zone will be reviewed with design review when an apartment unit count reaches 50 since Redwood St. does not seem a reasonable option due to the anticipated commercial traffic levels. The proposed location of the loading zones for the Assisted Living facility is acceptable, unless the Siuslaw Valley Fire & Rescue requires a different location to meet emergency access needs.

This will be reviewed with a phase that includes the next apartment building.

26. As internal street systems are constructed access permits into individual lots and future street connections will require application for with each design review or tentative subdivision or partition applications as applicable.

These are conditioned elsewhere and will be reviewed as part of the final infrastructure construction review and approval.

27. The applicant shall submit the ODOT access permit approval and associated conditions with application for Phase 1 Final PUD, Tentative Subdivision and/or Design Review. Those conditions will be included with the decision for the Final PUD.

ODOT conditional access permit provided-criterion met. ODOT requested additional Highway 101 right-of-way be dedicated. This is conditioned elsewhere.

28. In conjunction with the Phase 1 Final PUD and Tentative Subdivision and/or Design Review, the applicant shall provide a revised TIA with the ODOT requested information, Civil West information and evidencing the items listed in 10-35-2-5.

TIA with the requested ODOT, Civil West and code information was provided. Criterion met.

29. FCC 10-35-2-5-C: criteria will be reviewed with the application for Phase 1 Final PUD and Tentative Subdivision and subsequent phases as required.

10-35-2-5-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”.**

10-36-1-E. Conditions of Development Approval. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact. The applicant may be requested to provide evidence of impacts as part of the City’s completeness review. Facilities shall be sized according to approved facility plans. When the improvements necessary for the provision of adequate facilities exceeds the roughly proportional impacts of the specific development proposal, the City may assist through system development charge credits, reimbursement districts, or other City participation consistent with the City’s capital improvement and fiscal plans and policies.

Comprehensive Plan Chapter 12 Transportation Policy 6. The City shall continue to require new development to pay its share of costs of development of, or improvements to, transportation facilities which will serve the proposed development.

Highway 101 and Munsel Lake Road right-of-way dedications are addressed and conditioned elsewhere.

Private vs. Public Streets: The applicant proposes to dedicate the streets to the City; however, since the project is not connected to any other street infrastructure and the risk to the infrastructure is greater with a commercial oriented development the City considered not accepting the streets until the project was at build-out.

Repair of damaged asphalt and delay in top coat application for final Phase 1 construction and bonding for the entire project for the duration of construction was considered by the Public Works Director verbally and passed along to the applicant. They responded with a recommendation that construction traffic related to Phase 1 and or future phases enter and exit from Munsel Lake Road. They also suggested the last lift of asphalt is applied after final construction of the Assisted Living Facility. These two solutions are inadequate for the following reasons: who will monitor 47th St. construction traffic access during the 10 construction years, applying the final top lift after just one project year one does not address the remainder of Phase 1 much less the other phases for the remaining 9 years, no suggestion was provided for how to address damage to curb extensions and sidewalks typical from heavy truck mounting. At the time of writing no written decision was provided

by Public Works. The solutions proposed by the applicant were insufficient to meet the totality of concerns. The following is the revised condition of approval.

The applicant shall ensure construction traffic enters and exits via Munsel Lake Road not Highway 101. Construction access for Lots 5 and 6 shall be from graveled portion of Redwood St. The applicant shall work with Public Works to establish the paving timeline. After paving is completed, a maintenance bond shall be provided at 120% of total public improvement costs within Phase 1. Bond shall not exceed a period of two years after required improvements are completed. (Condition 13)

The TIA provided for the entire project indicate the traffic signal warrants are not met for installation of the TSP Highway 101 signal project at Munsel Lake Road. The traffic impact study does find that 240 Munsel Lake Road and Highway 101 intersection trips will be generated by the Cannery Station development as proposed by 2028 buildout, **48 of these are 2021 build-out trips as proposed for Phase 1.** Since the 2028 buildout signal count does not specify if they are dedicated to future phasing contributions it is assumed the difference of 192 trips is generated by subsequent phases and not by Phase 1 trips using the future Redwood/Munsel Lake Road approach for entrance and exit. Therefore, the minimum Munsel Lake Rd. and Highway 101 intersection trip count contribution by all Cannery Station phases combined will be 240 trips, unless an updated TIA demonstrates trip count is decreased due to a PUD modification. (Condition 14 a) Only Phase 1 trips (48) are addressed under this criterion of proportionality. Future phases will require updated TIAs to access their trip contribution to the identified signal improvement incorporating updated traffic and trip data, ITE standards, ODOT standards and TSP updates.

With regard to financing, the Public Works Department has stated that the Highway 101 and Munsel lake Rd. signal project is listed as a City of Florence System Development Charge (SDC) eligible project. Once the trip generation from a proposed development causes the warrants to be met for a signal, the developer will be required to construct the improvements. The Sandow TIA states Phase 1 of the Cannery Station project with a 2021 buildout date contributes 48 trips to the future development of the signal at the intersection of Highway 101 and Munsel Lake Rd. The applicant shall contribute the associated proportionate share of the construction of the signal in conjunction with each building permit certificate of occupancy. If by December 31, 2021 a Phase 1 project's certificate of occupancy has not been issued then a supplemental TIA is required to update traffic, intersection, and trip data, etc. for the revised build-out date and incorporate any changes from the TSP or jurisdictional standards. (Condition 14 b) The following formula shall be used to determine the Phase 1 proportionate cost share of the Munsel Lake Road and Highway 101 signal for those projects receiving Certificate of Occupancy permits by December 31, 2021:

1. Commensurate with FCC Title 8 Chapter 5, adjust TSP or Capital Improvement Plan (as applicable) signal cost by Engineering News Record (ENR) 20-City Composite Construction Cost Index (CCI), by the difference between the ENR CCI for the month in which the signal cost is estimated, and the ENR CCI for the month in which the certificate of occupancy is issued.
2. Divide adjusted signal cost by the number of trips needed to meet signal warrant. (e.g. 2012 cost of 490,000 divided by 2,195 trips = \$223.24 per trip)

3. Determine number of Phase 1 project signal contribution trips by calculating corresponding percentage of total Phase 1 pm peak hour trips (e.g. ALF/Lot2: 21 trips / 146 total trips =14.4% of total Phase 1 trips and applying that percentage to the total number of Phase 1 signal trips. $48 * .144 = 6.912$ trips
4. Multiply the number of signal trip contributions by the cost per trip calculated in "2" (e.g. 6.912 Lot 2 trips * 2012 trip cost \$223.24=\$1,543.04) (Condition 14 c)

The above formula estimates the cost share as of the date upon which the intersection use is created (project C of O) (nexus) using the signal cost as of the month upon which the intersection use is triggered. Spreading the signal contribution cost to each project based on their percentage of contribution to the overall trip count is proportionate both within Phase 1 projects and the overall signal trip count trigger. As conditioned this criterion is met. **(Final PUD Condition of Approval)**

30. FCC 10-35-2-6 criteria will be reviewed with the application for Phase 1 Final PUD and Tentative Subdivision.

The existing curbcut along Munsel Lake Rd. shall be removed and the right-of-way blended to match the existing right of way design (storm ditch). (Condition 15) (Tentative Subdivision Condition of Approval)

31. Analysis of the safety of the proposed driveways for Lots 4 & 23 shall be provided in conjunction with application for final PUD and subdivision for South 47th and Spruce Phases. Driveways constructed following approval of final PUD and final subdivision shall meet the requirements of FCC 10-37-2-7.

This was reviewed by staff and the proposal meets the spacing standard for driveway and local streets. Criterion met.

32. The applicant shall provide information regarding pedestrian and bicycle connections and amenities in conjunction with application of each Final PUD, tentative subdivision and design review.

This information was provided and is being reviewed within each of the various applications. Conditions have been set where required to meet the code.

33. With application for the various Final PUD and tentative subdivision phases the applicant shall prepare and submit proposed joint access easement and maintenance agreements for shared drives and parking areas with final plats for various Phases of the Project and/or with building permit applications for individual lots within the Project as applicable.

Access easements have been provided for the southern driveway south of the ALF. No other easements or maintenance agreements are needed for Phase. Criterion met.

34. Preliminary construction plans for driveways shall be provided with each Final PUD, tentative subdivision, or design review for review and approval prior by the Florence Public Works Dept.

Preliminary plans were provided. Detailed construction information will be reviewed and approved with infrastructure construction drawings and building permit applications.

35. With application for each Final PUD the application shall include plans meeting 10-35-2-12-B & C to include consultation with the Fire Marshall.

Public Works and Siuslaw Valley Fire and Rescue reviewed preliminary plans for driveways for compliance with code. No concerns contrary to the code sections was noted. Detailed construction information will be reviewed and approved with infrastructure construction drawings and building permit applications.

36. Sidewalk construction timeline along Highway 101 will be reviewed with Phase 1 Final PUD and Tentative Subdivision and require ODOT approval. Munsel Lake Rd. sidewalk construction will be reviewed with phasing as appropriate once access is proposed for Munsel Lake Rd., nexus is met, and require Lane County approval.

The applicant proposes sidewalk construction along the length of the Highway of Phase 1. Munsel Lake Rd. sidewalk construction is required with Phase 1. Criterion met.

37. Should the issues listed in FCC 10-35-3-1-D prevent construction of sidewalks within or adjacent to Cannery Station PUD, the applicant shall consult with the Public Works Director.

No issues have been noted nor exceptions requested.

38. The applicant shall submit a site layout and design demonstrating a continuous walkway system and walkway connections prior to approval for final PUD and tentative subdivision for each phase. Each residence built within Cannery Station shall be required to have an entry walkway leading to the front door.

A continuous pedestrian walkway plan with connections was provided within several plan sets. The walkway within Phase C previously proposed to connect to Munsel Lake Road was modified to be truncated due to the wetland in Tract D. The applicant has not proposed an alternative continuity plan for the path in Tract C as required by Condition 38 of the Preliminary PUD. Phase 1 of the Preliminary PUD included construction of the path in Tract C and Condition 46h required its construction in conjunction with South 47th phase or North 47th if it preceded South 47th. The applicant shall within 30 days of PUD approval provide a continuity plan for the Tract C path to connect to Munsel Lake Road in conjunction with issuance of the Certificate of Occupancy for the Assisted Living Facility. Once and if the jurisdictional wetland concurrence and mitigation is approved in the NE corner of the Cannery Station project Tract C shall be installed west of Tract D as proposed in the Preliminary PUD. Coordination and permitting with the Lane County shall be required. (Condition 16) (Final PUD condition of approval) Each of the eight transitional cottages includes a walkway leading to the front door. This criterion is met for Phase 1 as proposed and conditioned.

39. Walkway and Multi-Use Path design and construction shall be addressed and meet the requirements contained within FCC 10-35-3-3 during Design Review and building permit applications. All future building improvements will be required to

comply with sidewalk and pedestrian access design and construction standards as a final condition of occupancy for all buildings.

These criteria are reviewed in design review applications.

40. To provide adequate fire flows for the project either a 12" water line at 47th St. entry, or a Munsel Lake Rd. connection or the complete looped system that connects to Munsel Lake Rd. shall be installed in conjunction with Phase 1 construction.

A 12" water line has been provided. Criterion met.

41. Stormwater outlets and inlets serving the stormwater ponds are to be private facilities. A detail of the slit fence along the eastern property line is needed to understand the function. If it is to direct stormwater it will be required to meet all standards in the stormwater design manual and City Code Title 9 Chapter 5.

The outlets and inlets are to be privately maintained and owned. The slit fence detail was removed. Criterion met.

42. Easements shall meet minimum code standards in place at the time of final plat recording.

Presently easement widths are to 15' wide. Condition is met.

43. Preliminary construction plans for interior and off-site vehicular, bicycle, pedestrian and utility infrastructure are required to be submitted for review and approval with application for Final PUD, and tentative subdivision for each phase of development. All facilities whether proposed by the applicant or found during land use review to be needed are required to meet and are subject to applicable Florence City Code standards, Florence Stormwater Design Standards, Florence Comprehensive Plan policies most specifically Chapters 11 & 12, Lane County Code Standards, Highway Standards, U.S. Postal standards and other policies and regulations as appropriate unless specific exception is granted by the agency and included in the Planning Commission approval specifically listed and documented in the findings of fact. The applicant is responsible to pay for their share of costs of development of or improvement to transportation facilities which will serve the proposed development. Bonding and performance agreements may be required.

Preliminary construction plans have been provided. Final infrastructure construction plan review and approval shall include continued coordination efforts with the applicable agencies. All development and design standards shall be expected to be met except where Planning Commission has specifically listed and acknowledged a change or the approving agency has granted approval or exception. (Condition 18). (Final PUD and Tentative Subdivision Condition of Approval)

44. Unless specifically granted exception or condition of approval all public and private facilities, improvements, buildings, plantings etc. shall meet all relevant policies and standards or meet PUD exception criteria during Final PUD approval for the associated phase.

No additional exceptions have been requested other than those included in the Preliminary PUD. Exceptions requested have been conditioned to meet the code or its intent. Criterion met.

45. Final proposed parking, loading, circulation, and landscape and tree plans shall be provided to the Planning Department in conjunction with application for approval of final PUD and final subdivision for each phase.

Plans for parking, loading, circulation and landscape plans are included in the applications.

46. Through this Preliminary PUD permit, the Planning Commission authorizes the Final PUD is authorized to be processed in phases along with each subdivision application, with the following conditions:

a. Within twelve (12) months following the approval of the Preliminary PUD, the applicant shall file with the Planning Commission a Final PUD, subdivision, and Design Review application for Phase 1. Within three (3) years following the approval of the Final PUD for Phase 1, the applicant should file with the Planning Commission a Final PUD, Subdivision, and Design Review application for Phase 2. Subsequent phases should continue to be submitted within eighteen (18) months of the prior approved phase. The Final PUD, subdivision, and Design Review application for the last remaining phase shall be submitted within ten (10) years following the approval of the Preliminary PUD.

Phase 1 final PUD and subdivision and design review for all its lots have been received. The rest of the condition carries over.

b. Phasing is not bound by the sequence or time-frame anticipated for each phase, as presented in page 21 of the Application Narrative of the Preliminary PUD application, with the condition that the Final PUD, subdivision, and Design Review application for the last remaining phase shall be submitted within ten (10) years following the approval of the Preliminary PUD.

Informational.

c. At each phase of the Final PUD, the applicant shall demonstrate substantial compliance with the approved Preliminary PUD and all applicable conditions.

Substantial compliance met. Criterion met.

d. At each phase of the Final PUD, the applicant shall demonstrate that all public services can be provided.

All public services other than Transit access have been demonstrated to be provided to Phase 1. Transit access provision is conditioned elsewhere. Other criteria met.

e. At each phase of the Final PUD, the applicant shall provide cumulative monitoring information and traffic data within a revised TIA in order to assess needed mitigation of traffic impacts during that development phase, and propose appropriate mitigation for construction during that development phase.

The applicant provided a revised TIA. The traffic counts from February 2018 were used. Construction access is proposed off of Munsel Lake Road. Lane County will monitor and require additional mitigation as necessary. Criterion met.

f. At each phase of the Final PUD, the applicant shall provide a supplemental analysis assuring operational safety and adequate geometric design of intersections. Analysis shall be provided for on-site circulation and delivery truck as well as any proposed transit vehicle access.

Intersection geometry was provided illustrating emergency vehicle and large truck use at the intersections. Criterion met.

g. At each phase of the Final PUD, the applicant shall provide a revised TIA with final calculations of the square footage proposed for each of the land uses within the current phase, as well as the cumulative calculation of the square footage that has been achieved in any previously approved and/or developed phases. Any increases to the maximum land use intensities described above require approval from the Planning Commission and the applicant to submit new traffic calculations from projected p.m. peak hour trips showing, as a result of the proposed changes, any traffic improvements needed from the combination of the proposed uses.

Criterion met. If the applicant proposes to change any of the approved land uses in a manner that deviates significantly from the uses described in the approved Traffic Impact Analysis, the deviations are found to be greater than 10% of those within the approved Traffic Impact Analysis (e.g. trips), or the changes are found to trigger criteria described within FCC 10-1-1-4-E-2, the applicant shall prepare a supplement to the TIA and submit the new analysis with the associated land use or building permit application, as appropriate. (Condition 19) (Final PUD Condition of Approval)

h. Open Space "C" shall be constructed in conjunction with South 47th phase as proposed or with North 47th phase if it precedes South 47th. 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 accordance with FCC 10-23-6.

The open space materials calculate out the required percentage of open space for developable area. Open Space C is required to be constructed with the South 47th phase. Construction of the open space is included as a condition. Criterion met or conditioned to.

i. The fence between Florentine Estates and the project site shall be constructed and the landscape buffer planted prior to construction commencement for any building or prior to final plat recording.

The applicant submitted a revised Open Space C development plan. Due to the wetland they propose to not disturb that area until permitting is secured. Condition 46i in the Preliminary PUD requires the construction of the fence prior to construction commencement of any building or prior to final plat recording. The following condition is necessary to address fence sections that would be built later after wetland mitigation. Open Space C to include its fence shall be constructed in conjunction with clearing of that adjacent area within the tract. (Condition 20) (Final PUD Condition of Approval)

47. In conjunction with application for final PUD approval and tentative subdivision for the first Phase, the applicant shall submit revised stormwater drainage system plans for review and approval by the Public Works Director and meeting City of Florence standards and specifications in Title 9 Chapter 5 and the Stormwater Design Manual.

A stormwater drainage plan meeting code was provided and reviewed. The peer engineer of record has approved this tentative plan noting that specific facility design plans will be reviewed in conjunction the infrastructure construction plans.

48. No T1-11 shall be allowed in the development.

Criterion reviewed elsewhere.

49. The parking proposed along both Highway 101 and Munsel Lake Road property lines shall be bermed and screened from Highway 101 through a combination of grade change and evergreen plantings. This will require stormwater swales located west of the parking areas to be relocated unless screening can be accomplished within the swales through tall dense swale appropriate plant selections.

Berms provided. Stormwater swale alterations within the rights-of-way will require ODOT review and approval as noted in their referral comments.

50. Landscape materials will be 50% native species.

The landscape plan indicates 50% native species such as salal, Douglas fir, vine maple, and wax myrtle. Criterion met.

51. Within the eastern border within Open Space "C", along Munsel Lake Rd., and within the northwest corner of the property along Highway 101, the applicant will retain significant vegetation per FCC 10-34-2. Preservation credit may be taken. Exception and final to be reviewed within the Final PUD and Tentative Subdivision applications.

The plans illustrate the intent to retain vegetation within the landscape plan for Open Space C. Criterion met.

52. Applicant shall provide 2 out and 1 in lanes for the 47th St. access if authorized by ODOT.

Criterion met.

TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS

10-7-2: IDENTIFICATION OF WETLANDS AND RIPARIAN AREAS AND POTENTIAL PROBLEM AREAS: At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

A. “Hazards Map”, Florence Comprehensive Plan Appendix 7.

There is no indication in the application and materials submitted by the applicant that the “Hazards Map” has been consulted, however, the applicant has noted in its application on page 11 that Planning Commission has previously reviewed, and approved a site investigation report that lists identified hazards for the entire property. Criterion met.

B. “Soils Map”, Florence Comprehensive Plan Appendix 7.

There is no indication in the application and materials submitted by the applicant that the “Soils Map” has been consulted. A preliminary soils review has been completed. However, the applicant has noted in its application on page 11 that Planning Commission has previously reviewed, and approved a site investigation report for the entire property. A wetland delineation of the Property prepared by Pacific Habitat Services has identified the presence of Waldport fine sands and Yaquina soils associated with small, isolated wetland areas located in the northeast and southwest corners of the property. The City of Florence Building Department may require additional soils review and compaction testing prior to the issuance of building permits and first inspections. Criterion met.

C. “Beaches and Dunes Overlay Zone.” See Chapter 19 for overlay zone requirements. Where conflicts exist between that chapter and this one, the more restrictive requirement shall apply.

Lot 2 of the subject site is not within the “Beaches and Dunes Overlay Zone.”

D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.

The subject site does contain wetlands, and will be discussed below under heading E.

E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)

A Phase 1 Site Investigation Report dated December 10, 2018 was completed

by the applicant and submitted to the City. The property is not located within or adjacent to any Coastal Beach or Dunal Area identified in the Comprehensive Plan.

The central portions of the site contain limited areas with slopes that exceed 12%. The grading plan for the project proposes to cut and remove the slopes to accomplish the proposed development plan. The final grading plan for the site will be prepared by a licensed professional engineer, based on recommendations provided by a licensed geotechnical engineer. The geotechnical engineer will also observe, test, inspect and approve all excavation, grading and compaction activities performed on the Site. The applicant has submitted a Grading and Drainage Lot 2 plan identified as Sheet C5.01

A wetland delineation of the Site prepared by Pacific Habitat Services identified the Presence of Waldport fine sands and Yaquina soils associated with small, isolated wetlands areas located in the northeast and southwest corners of the property. Applicant proposes to submit a Joint Fill Permit application with the Oregon Division of State Lands that requests to fill the wetland areas on the property and mitigate the loss of wetland resources by purchasing mitigation credits at the Wilbur Island Mitigation bank. Applicant has retained a licensed engineering geologist to prepare a soils investigation for the entire property and provide design recommendations for use by the civil engineer. Applicant will also retain a licensed geotechnical engineer to provide inspection and testing services in connection with construction of public and private improvements on the property. Applicant has applied for and received DSL concurrence on its wetland delineation completed by Pacific Habitat Services.

Applicant is waiting to hear back from US Army Corps to issue a Jurisdictional Determination that the wetlands on the property are not Waters of the United States and are not subject to regulation by the US Army Corps.

The property is not located within a designated Flood Hazard Zone, a Tidal Flooding Hazard Zone, or Tsunami Inundation Zone. Criterion met.

10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS:

The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

- A. Special Flood Hazard Area: All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.**

The proposed ALF on Lot 2 is not located in a FEMA designated Flood Hazard

Zone. Not applicable.

- B. River Cutbanks: No building shall be permitted within fifty feet (50') from the top of a river cutbank.**

The proposed ALF on Lot 2 is not located adjacent to or near any river cutbanks. Not applicable.

- C. Active Dune Advancing Edge: No building shall be permitted within one hundred feet (100') of the leading edge of an active dune, except by Planning Commission approval where it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. (Ord. 24, Series 2008)**

The proposed ALF on Lot 2 is not located within or adjacent to any Coastal Beach or Dunal Area identified in the Comprehensive Plan, and the development activities proposed on the site will not directly or indirectly impact or affect any identified Coastal Beach or Dunal Areas. Not applicable.

- D. Ocean Flooding, Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).**

The proposed ALF on Lot 2 is not located in an area of the City that is subject to ocean and/or tidal flooding, and it is located outside of the Tsunami Inundation Zone identified on coastal maps prepared by the Oregon Department of Geology and Mineral Industries. Not applicable.

- E. Slopes Greater than Twelve Percent: For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.**

Lot 2 does contain slopes that exceed 12 percent. The grading plan of the project proposes to cut and remove the slopes to accomplish the proposed development plan. The applicant's engineer will prepare a final grading plan based on the recommendations provided by the applicant; geotechnical engineer. The geotechnical engineer will also observe, test, inspect and approve all excavation, grading, and compaction activities performed on the Site. A grading plan was resubmitted by the applicant on February 8th, 2019. The grading plan was reviewed and conditioned earlier in the report.

- F. Active Dune Sands: Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, except where vegetative stabilization is prohibited on the property of State or Federal agencies, and it can be shown by accepted engineering practices or treatment,**

or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. Stabilization may be required prior to development in cases where there are large unstabilized areas.

The Oregon Department of Environmental Quality has issued the applicant a NPDES 1200c for vegetation removal and grading activities on the site (Permit No, 32558). Applicant will employ best management practices as required by the 1200c permit to minimize and mitigate movement of sands on and from the site as well as stormwater flows that occur during the course of any construction activities on the site. The applicant shall also follow and implement the applicable practices in the Portland Erosion and Sediment Control Manual. Criterion met.

- G. Brallier and Heceta Soils: In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.**

The proposed ALF on Lot 2 does not contain any Brallier or Heceta soils. Not applicable.

- H. Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended): In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Amended Ord. 10, Series 2009)**

A wetland delineation of the property was completed by Pacific Habitat Services identified the presence of Yaquina soils associated with small, isolated wetland areas located in the northeast and southwest corners of the property. The applicant proposes to submit a Joint Fill Permit application with the Oregon Division of State Lands that requests to fill the wetland areas on the property and mitigate loss of wetland resources by purchasing mitigation credits at the Wilbur Island Wetland Bank. Prior to issuance of building permits, the applicant shall supply the City with an approved Joint Fill Permit, this will be a condition of approval, see the below Design Review Condition. Applicant will retain a licensed geotechnical engineer to prepare a soils investigation for the entire property and provide design recommendations for use by the civil engineer. Applicant will also retain the geotechnical engineer to provide inspection and testing services in connection with construction of public and private improvements on the property. Criterion are met under the Design Review Conditions of Approval.

10-7-6: SITE INVESTIGATION REPORTS (SIR):

- A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by**

the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:

1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or

2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code.

A Phase I Site Investigation Report was completed and submitted as part of Tentative PUD approval. Findings of Fact from PC 18 12 PUD 01 note a Phase II Investigation Report was waived as allowed in 10-7-5. Criterion met.

10-7-7: REVIEW AND USE OF SITE INVESTIGATION REPORTS

A. The Phase I Site Investigation Report shall be reviewed administratively through a Type II Review. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Conditional Use Permit shall be required. If a Phase II Site Investigation Report is required, the Phase II conclusions shall be submitted for Planning Commission review.

A Phase I Site Investigation Report was completed and submitted as part of Tentative PUD approval. Findings of Fact from PC 18 12 PUD 01 note a Phase II Investigation Report was waived as allowed in 10-7-5. Criterion met.

B. Required Certifications and Inspections: For any Phase II SIR submitted, the registered professional of record shall be required to: 1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans. 2. Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans. 3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and

stamped certification report that the project as constructed complies with approved plans.

Findings of Fact from PC 18 12 PUD 01 note a Phase II Investigation Report was waived as allowed in 10-7-5. Criterion met.

- C. Conditions of approval may be imposed and/or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects such as erosion, sand encroachment, destruction of desirable vegetation including inadvertent destruction by moisture loss or root damage, spread of noxious weeds, damage to archaeological resources, are mitigated or eliminated.**

Conditions of approval may be imposed to ensure that harmful effects are listed above are mitigated or eliminated. The applicant has applied for and received a NPDES 1200c permit for vegetation and grading activities on the Site. Applicant will employ best management practices as required by the 1200c permit. Applicant has previously submitted an erosion control plan, but the plan was rejected by the City of Florence. Criterion met with the design review conditions of approval.

- D. Approval: The property owner shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and shall state, "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project."**

A Phase I Site Investigation Report was completed and submitted as part of Tentative PUD approval. Findings of Fact from PC 18 12 PUD 01 note a Phase II Investigation Report was waived as allowed in 10-7-5. Criterion met with the following condition of approval:

The applicant shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property as outlined in subsection (D) of FCC 10-7-7, Review and Use of Site Investigation Report, and shall state *"The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgement or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project."* This shall be recorded prior to submittal of any additional building permit applications or prior to final Subdivision Plat.

(Condition 21)

- E. Appeal: In the case of an appeal, the City shall hire a certified engineering geologist or other appropriate certified professional to review the Phase II Site Investigation Report. All costs incurred by the city to review the development shall be the responsibility of the applicant. (Ord. No. 10, Series 2009)**

A Phase I Site Investigation Report was completed and submitted as part of Tentative PUD approval. Findings of Fact from PC 18 12 PUD 01 note a Phase II Investigation Report was waived as allowed in 10-7-5.

TITLE 11 SUBDIVISION REGULATIONS

11-1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

This chapter is applicable for the definitions contained within. The applicant has paid the applicable fee and to staff's knowledge and the record of materials provided has performed nothing contrary to the land division approval criteria included within.

11-3: MAJOR PARTITION, TENTATIVE PLAN PROCEDURE

11-3-2: TENTATIVE PLAN REQUIREMENTS:

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

FINDING: The Tentative subdivision plan was filed in accordance with FCC 10-1-1-4.

- B. Drafting: The tentative plan shall show all pertinent information to scale. The drawing shall be on standard size sheets eighteen inches by twenty four inches (18" x 24"), and at scale of one inch equal to one hundred feet (1" = 100'). The scale may be increased or decreased if necessary, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (10) of any one of these scales.**

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

FINDING: The Tentative subdivision plan has been prepared by an Oregon licensed land surveyor at a scale of 1 inch = 50 feet. The plans were submitted electronically to scale. These criteria are met.

- C. Information Required: The application itself or the Tentative plan must contain the following information with respect to the subject area:**
- 1. Name and block numbering of proposed subdivision. Except for the words, "town", "city", "plat", "court", "addition" or similar words, the name shall be clearly pronounced different than, the name of any other subdivision in the County unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.**

FINDING: The name “Cannery Station” has been reserved for this subdivision and is shown on the Tentative plan. There is no other subdivision in the County with the same, similar or sound-a-like name to “Cannery”. There is a “Junior Station” in Springfield. The Tentative plan includes the area to the south of the parcel included as Phase I of the PUD. This criterion is met.

2. The date, north point and scale of the drawing; a sufficient description to define the location and boundaries of the proposed subdivision or major partition area; and the names of all recorded subdivisions contiguous to such area.

FINDING: The date, north arrow and scale are shown on the tentative plan. The location of the proposed subdivision and the names of the recorded adjoining subdivisions are shown on the Tentative plan. This criterion is met.

3. The names and addresses of the owner and engineer or surveyor.

FINDING: The names and addresses of the applicant, the owner and the surveyor are shown on the Tentative plan. This criterion is met.

4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.

FINDING: The location of proposed and existing right of way lines are shown on the Tentative plan. This criterion is met.

5. The locations, names and widths of all existing and proposed streets and roads. Said roads and streets shall be laid out so as to conform to subdivisions and major partitions previously approved for adjoining property as to width, general direction and in other respects unless it is found in the public interest to modify the street or road pattern.

FINDING: The names and widths of existing and proposed streets are shown on the Tentative plan. The plan has designed both Spruce Street and Redwood Street to allow for connectivity to the south, if the church property, adjacent to the south, is redeveloped or if the church agrees to connect to the project site. No connection to Florentine Estates (to the east) is proposed or required.

6. Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets

FINDING: Proposed streets and widths are shown on the Tentative plan. The applicant has not indicated on the tentative plan street dedication. All proposed streets will be eventually be dedicated as public right-of-way. For Phase I, this includes the southern-most sections of Spruce and Redwood Streets and 47th Street. The applicant shall include the ownership of the street rights-of-way on the final plat. (Condition 22)

- 7. The elevations of all points used to determine contours shall be indicated on the Tentative plan and said points shall be given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:**

Contour Intervals Ground Slope

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

FINDING: Contour intervals for existing and proposed elevations are shown on the Grading Plan. Finished Floor elevations are provided and 1' contour intervals are shown between the FF elevations within Phase 1. The grading plan is revised from previous versions and includes modification of areas north of Phase 1. There is no numerical naming of contour intervals proposed or existing other than those within Phase 1. The data provided is incomplete. A grading plan shall be resubmitted that includes the required information in 11-3-2-C-7. (Condition 23).

- 8. The approximate grades and radii of curves of proposed streets.**

FINDING: The radius of curves of proposed streets are shown on the tentative plan. Phase 1 does not include street curves with the exception of the intersection of 47th Street and Highway 101 and the temporary public access emergency easement. Street grades are shown on the grading plan. This criterion is met.

- 9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.**

FINDING: Location and width of existing and proposed easements are shown on the tentative plan. Reserve strips are provided at the north and south ends of Redwood and Spruce Sts. This criterion is met.

- 10. The approximate radii of all curves**

FINDING: The radii of all proposed curves are shown on the Tentative plan. Criterion is met. This criterion is met.

- 11. The general design of the proposed subdivision or major partition including the approximate dimensions of all proposed lots and parcels.**

FINDING: Approximate dimensions and lot sizes for all lots and open space tracts are shown on the Tentative plan. Criterion is met

- 12. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.**

FINDING: The location of inundation areas is included in the grading plan by name and in the utility plans via illustration of three prong grass symbol coverage. An area of

stormwater overflow is illustrated on the grading plan C.2 within the stormwater detention area located within Tract B in southeast corner of the lot. The overflow travels east into Florentine's 40' buffer area. This criterion is met.

13. The existing and proposed uses of the property including the location of all existing structures that the applicant intends will remain in the subject area.

FINDING: Commercial uses will include - Medical/Professional Offices, Retail, Banking, Restaurants. These uses are proposed for Lots 1, 5 and 6. Residential uses will include - Assisted Living, Retirement, Multi-Family and Single-Family Housing. These uses are proposed for Lots 2, 3 and 4.

14. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public water supply.

FINDING: The proposed water supply will be from the City of Florence. In April 2010, the City of Florence and Cannery Station LLC reached a mutual agreement on the how City services would be provided to the subject property in addition to improvements completed as part of the Spruce Street LID. The preliminary utility plan submitted with the accompanying Final PUD reflects the agreement on the method of providing public services to the site. Please refer to Exhibit 24, Sheet C3.0, Utility Plan. No concerns were raised by Public Works specific to the provision of water.

15. All proposals for sewage disposal, flood control and easements or deeds for drainage facility including profiles of proposed drainage ways.

FINDING: Proposed sewage disposal and drainage is included (See Exhibits 6 and 7). No concerns were raised by Public Works specific to the provision of sewage disposal. Criterion is met.

16. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.

FINDING: Dedicated areas, which include (and are identified as) Open Space Tracts A, B and C are shown on the Tentative plan (Exhibit 4).

17. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.

FINDING: All public improvements proposed to be made or installed are shown on submitted plans (including those plans submitted for the Final PUD Phase 1). The applicant provided no timing plan for the proposed improvements. A timing plan for infrastructure improvements will need to be provided and approved prior to the issuing of any building permits. (Condition 24)

18. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

FINDING: Grading information is submitted. See attached Exhibits 22 and 23, Sheets C2.0 Mass-Grading Plan and C2.1, Grading Plan Lot 1).

19. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision or major partition is a part, provided that where the proposal comprises all of such area, an affidavit of such fact shall accompany the Tentative plan.

FINDING: See attached title report for legal description (Exhibit 42) of the subject property. The boundary of the area is shown on the Tentative plan (Exhibit 4).

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

FINDING: The subdivision application was received on Wednesday September 19, 2018. Notice was sent in accordance with 11-3-3 on September 25, 2018. Lane County, Siuslaw Valley Fire and Rescue, and Oregon Dept. of Transportation all provided written comments within the 30-day response period. This criterion is met.

11-3-4: APPROVAL OF TENTATIVE MAJOR PARTITION OR SUBDIVISION:

After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Commission or its designee shall grant approval or deny the major partition Tentative plan. The hearing decision and further consideration of a similar application shall be governed by paragraphs 10-1-1-5-D and E of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. The Planning Commission may require its designee to submit any tentative approval to the Commission for review prior to notification of the applicant. In the event of a denial, the application shall be reviewed by the Planning Commission within forty five (45) days. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord 30, Series 1990).

- A. The approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.**
- B. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.**

FINDING: Evaluation of the proposed subdivision within the Preliminarily approved PUD suggests that approval would not impede the future best use of the remainder of the property (Tract D) under the same ownership or adversely effects its safe and healthful development (and that of lands surrounding). The Preliminary and final PUD processes have addressed many safety and neighborhood health concerns. The Preliminary subdivision plan is also shown by these findings to comply with the requirements of the Florence City Code (as conditioned).

11-3-6: TENTATIVE PLAN, EFFECTIVE DATE:

Unless appealed, the Planning Commission decisions under this chapter shall become effective on the thirty first day after rendered. The applicant may then proceed with final surveying and preparation for final approval consideration of the major partition map or subdivision plat, as the case may be. Tentative plan approval shall be effective for two years within which time the application and major partition map or application and subdivision plat must be submitted as required by this Title. An applicant may apply to the Planning Commission for two (2) extensions of twelve (12) months each. A decision to extend the approval shall be based on compliance with the following criteria:

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

Otherwise the entire procedure must be repeated for reconsideration in light of changed conditions that may exist. (Amd. Ord 30, Series 1990). (Amd. Ord. 12, Series 1999).

FINDING: The applicant will be expected to proceed with final survey and to make preparations for final subdivision approval within the timeframes outlined in Title 11 Chapter 3-6 & Chapter 4-4 & 4-6 unless otherwise provided for through approved and allowed extensions from the Planning Commission (Condition 25).

11-5 PLATTING AND MAPPING STANDARDS

11-5-1: STREETS:

- A. All streets shall comply with applicable development standards of Title 10 Chapter 36, Street Standards.**

FINDINGS:

Development Standards FCC 10-36-2-1-B: As proposed, Spruce Street, 47th St. and Redwood St. are to be platted with 50', 58' and 64' width respectively. The Transportation Systems Plan (TSP) does not classify the extension of these streets. At the time of drafting the 2012 TSP Cannery Station had an active approval with streets widths already designated. The TSP was for some unknown reason silent on classifying

them. It is probable Spruce and Redwood will extend south with redevelopment of those properties in the future. Cannery Station during preliminary PUD requested exceptions to the development standards of the city code. Right-of-way width and design was delayed until Final PUD. The following modifications are proposed and are reviewed for hardship or meeting Title 11 purposes under the considerations listed under 10-36-2-5-B:

- a. Redwood Street is proposed to have 30' wide intersection pavement and elsewhere 38' of pavement in a 64' right-of-way, greater than the minimum standard of 60 feet of right-of-way and 36 feet of pavement. 38' design includes two 11' travel lanes, two 8' parking aisles, and 12.5' of area for sidewalks and planting wells on both sides; 30' design includes two 15' travel lanes and a 16.5' planted swale and sidewalk area on each side. This proposal meets the design standard but does not meet the right-of-way width standard. No exception is needed.
- b. Spruce Street (elsewhere in the city is classified collector) is proposed to have 28' of pavement, less than the minimum standard for 36 feet. It is proposed to meet minimum design for a local street designation with two 10' wide travel lanes, one 8' parking aisle on the west side and a 10.5' planting and sidewalk area on each side. This proposal meets the local street standard for parking on one side. An exception is needed if a greater street width is expected than local standards.
- c. 47th St. is proposed to have 26' wide intersection pavement and elsewhere 36' of pavement in a 58' right-of-way, less than the minimum standard of 60' wide rights-of-way. The 26' design includes two 13' wide travel lanes, and two 15.5' planting and sidewalk areas on each side. The 36' wide design includes two 10' travel lanes, two 8' parking aisles and a 10.5' wide planting and sidewalk area on each side. This proposal meets the design standard but does not meet the right-of-way width standard. No exception is needed for the design width. An exception is needed for the right-of-way width.

The applicant proposes for much of the commercial and Assisted Living Facility areas wide pedestrian corridors. On-street parking is provided on much of Spruce and Redwood Sts. Street lighting meets the spacing and location code requirements. The design will require approval by Central Lincoln PUD and City of Florence during construction plan review. Dark Sky compatible street lighting is encouraged. (Informational 1) The application uses many of the existing drainage areas for future stormwater detention basins. Street trees are provided at spacing exceeding the code 30' minimums. Intersections are narrowed with pedestrian bulb outs to reduce pedestrian exposure traffic by reducing travel distances. Emergency vehicles have been accommodated on street intersections. Driveways meet the city code spacing distances from rights-of-way and other driveways. The intersection of 47th St. and Highway 101 has included @ 70' of stacking space for both outbound lanes. The intent of Chapter 11 is met through the proposed design and with the following condition. Crosswalks shall be designated with striping and crossbar at intersections and travel lanes shall have sharrow markings as required by Public Works. (Condition 26)

Block length and perimeter (FCC 10-36-2-10): The applicant proposes two thoughts on this criterion. 1. Request a modification to the subdivision standards stating the intent is met

through the proposed design and ownership pattern and 2. Consider whether this criterion applies as there is no public connectivity east of Spruce St.

Open Spaces B, C and D and Lots 3,4 and future lots 14-23 are part of the most eastern block that abuts Florentine Estates. The eastern edge of the block includes a pedestrian path within Tract C. The block length is measured between Munsel Lake Rd. (the most northern part of Open Space C) and the southern property line and cannot be greater than 600'. There are several pedestrian connections proposed off of Spruce St. between Munsel Lake Rd. and the southern property line. Code permits a pedestrian accessway to serve as a right-of-way to shorten the block length. An accessway must be designed to the standards in 10-36-2-9-C if needed to meet the connectivity standards for block length. These standards include 10' paved width within a 20' wide easement to allow public access and emergency access. Pathways must be illuminated, must comply with ADA standards, landscaping.

The path in Open Space B would serve as the accessway for this phase as it is the only connection point available. In a future phase where Open Space D is included the pathway proposed for that area will serve as the mid-block connection between Munsel Lake Rd. and the southern property line. The applicability of the block length and perimeter standard is of question. If found to apply then a decision of which of the design standards apply to the pathway connections.

After consulting the definition in Title 11 Chapter 1 for "Block Length" it was found to not apply to this situation. Tract D was found to be undivided acreage and thus met one of the locational criteria for which a block can be situated between.

Street width improvements (FCC 10-36-2-1-C) & Traffic Controls (FCC 10-36-2-11):

The applicant and city staff have coordinated with ODOT and Lane County throughout the application process. The traffic impact analysis and supplemental materials have been provided to the agencies and to a transportation engineer for peer review.

Lane County provided referral comments and conditions for inclusion in the City's land use approval process. They are attached and made part of the record.

ODOT provided referral comments and conditions for inclusion in the City's land use approval process. They are attached and made part of the record.

JRH Transportation Engineering provided referral comments and conditions for inclusion in the City's land use approval process. They are attached and made part of the record

The proposal includes a partition of the entire parcel into 6 lots, 3 streets and 4 tracts.

Additional right-of-way width was required for Munsel Lake Rd. The proposed plan includes a dedication of additional right-of-way for widening of Munsel Lake Rd.

Additional right-of-way width may be required for Highway 101 TSP improvements Project 15 and Project 9. Prior to final plat submittal the applicant shall coordinate with ODOT to

determine if right-of-way width is required. Additional dedications if needed shall be included in the final plat submittal. (Condition 30)

Additional FCC 10-36 review within Phase 1 indicates the proposal meets the requirements for street frontage and access, street intersection alignment/spacing and radii, intersection angles, street grade and centerline curve radii, street names, street light standards, sidewalks, landscape strips (must be minimum of 16 sq. ft. or 4' x 4'. 31) In accordance with FCC 10-36-2-9-B the pavement for Redwood and Spruce Sts. shall extend to the northern edge of the phase. Street stubs greater than 150' in length shall be provided a temporary turn-around (hammerhead or bulb-shaped configuration) constructed to Oregon Fire Code Standards unless specifically exempted by the Fire Marshall. A Type III barricade shall be installed at the end of the street stubs, except the northern end of Redwood St. (Condition 31)

B. Slope Easements: Slope easements shall be dedicated in accordance with specifications adopted by the City Council under Section 11-6-1 of this Title.

FINDING: The Grading Plan does not indicate any slope easements. No agency has indicated a need or request for slope easements.

C. Reserve Strips: The Planning Commission may require the applicant to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission determines that a strip is necessary:

1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
2. To prevent access to the side of a street on the side where additional width is required to meet the right of way standards provided in the table under subsection B2 above; or
3. To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself; or
4. To prevent access to land unsuitable for building development.

FINDING: Location and width of existing and proposed reserve strips are shown on the tentative plan. They are located at the terminus at each end of Spruce and Redwood Sts. The reserve strips are the width of the entire right-of-way width. This criterion is met.

11-5-2: LOTS AND PARCELS:

A. Size and Frontage:

1. **General Requirements:** Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.
2. **Area:** Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. Where either a community water supply or

sewer system are not presently provided, the lot area shall be sufficient to meet State and County health standards and the lot area shall be at least twice the number of square feet normally required in the zoning district where the lot is located. Where an oversize lot as described above is required due to lack of services, the Planning Commission may require the developer to submit a plan for later division of said lot(s) into standard six thousand five hundred (6,500) or nine thousand (9,000) square foot lots.

3. **Frontage:** Each lot shall have frontage of not less than fifty feet (50') upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty five feet (35') upon a street, measured on the arc. Where either a public water supply or public sewers are not presently provided, the lot frontage shall be sufficient to insure an adequate sized lot to meet State and County requirements

FINDING: Lot Size and Dimensions: The applicant requested and obtained approval from the Planning Commission, through the PUD, for modifications to the minimum lot size and dimensions to enhance implementation of Plan policies. The minimum lot size in the NC District is 20,000 square feet and the minimum lot dimensions are 100 feet in length and depth. The minimum lot size and dimensions as specified in FCC 10-30-5-G & H are modified to allow reduced lot dimensions and area for residential lots and commercial lots 1, 6, 7 & 8.

The Preliminary PUD approved modification to the minimum dimensions and lot size for the attached single-family attached homes, are intended to allow home ownership opportunities, preservation of a landscape buffer adjacent to Florentine Estates, and a density suitable for the north commercial node. The small residential lots along the eastern edge of the site will help to provide a transition between low-density residential uses in Florentine Estates and the objectives for a vibrant commercial node in Cannery Station. Additionally, in order to allow a diversity of businesses and employment opportunities and to provide new streets that foster connectivity, the minimum lot sizes for some of the commercial lots are proposed to be less than the required minimum. The application was granted an exception to this criterion.

B. Exceptions:

1. **Subdivisions and Partitions Developed as a Unit:** The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the applicant presents a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed and developed with provision for proper maintenance of open space, recreation and parklands and will be commonly available for recreation and park purposes to the residents of the subdivision or partition, and which the Planning Commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this Title.

FINDING: Certain standards are modified (as noted) based on preliminary PUD approval.

11-5-3: PUBLIC FACILITIES:

All utilities shall comply with applicable development standards of Title 10 Chapter 36 and Title 9.

FINDING: City of Florence Public Works has reviewed the proposed civil preliminary construction plans for utilities and stormwater. The stormwater plan was sent to the City's engineer of record who collaborated with the project engineer to obtain the required information, clarifications and corrections. The referral comments are included with Civil West's exhibit attachment. Both Public Works and Civil West found that the proposal as submitted thus far meets the city's code and design standards. Final construction plans and utility facility specifications are required to be submitted for City review and approval prior to commencing construction. Stamped approval will be shown on the utility plans. (Condition 32)

11-5-4: PARTIAL DEVELOPMENT:

Where the subdivision or partition includes only part of the tract owned by the applicant, the Planning Commission may require a sketch of a Preliminary layout of streets in the remainder of said ownership.

FINDING: The tentative subdivision application is for Phase 1 of the Cannery Station PUD. The PUD has received preliminary approval and final approval is sought in conjunction with this subdivision application. A preliminary layout has been provided by the applicant. This criterion is met.

11-5-5: UNSUITABLE AREAS:

Areas identified in the Florence Comprehensive Plan as having designated or protected natural areas or potential hazards due to erosion, landslides, stream flooding, ocean flooding or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, the general public, or natural values which have been protected.

- A. All major partition and subdivision applications shall be reviewed by the City, using the Phase I checklist contained in Site Investigation Reports by Wilbur E. TERNYK, published by OCZMA.**
- B. Where problem areas are identified in the Phase I checklist, a full-scale Phase II site investigation will be required covering only those problem areas identified in the Phase I checklist. This site investigation must be prepared and paid for by the applicant. Before approval would be granted the site investigation would have to prove either:**
 - 1. That upon specific examination of the site, the condition which was identified in the Comprehensive Plan Inventory did not exist on the subject property; or**

2. That harmful effects could be mitigated or eliminated through, for example, foundation or structure engineering, setbacks or dedication of protected natural areas.
3. Specifically, areas shown on the Hazards Map and the Soils Map of the Comprehensive Plan will require a Phase II site investigation report. Studies which have been adopted or included in the Comprehensive Plan by reference or studies done subsequent to the adoption of the Plan may be used to determine when a site investigation report is needed.

FINDING: This was addressed earlier in the report.

VI. CONCLUSIONS

The proposed application for **Phase 1 Final PUD and Tentative Subdivision** meets the requirements of City Code with conditions.

Exhibits:

Approval shall be shown on conditions of approval as supported by the record listed in Exhibit A6