

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



Public Hearing Date: August 24, 2021

Application: PC 21 20 SUB 01: Cannery Station PUD Phase 1 Final Subdivision

I. PROPOSAL DESCRIPTION

Proposal: A request for a Phase 1 Final Plat of approximately 16.873 acres for a mixed use Planned Unit Development site. Phase 1 is located on the southern half of the Cannery Station PUD, and was conditionally approved by the Planning Commission in 2018 to include an Assisted Living Facility, 10 Transitional Cottages, 2 commercial buildings and one apartment building. Review of this final plat includes 6 lots, three streets and 4 tracts.

Applicant: Chuck McGlade

Representative: Peter Englander

Property Owner: Cannery Station Development, LLC

Location: SE intersection of Highway 101 and Munsel Lake Road.

Site: Assessor's Map # 18-12-14-20, TL 700

Site Characteristics:

	Use(s)	Zoning	Comp. Plan Designation	Streets / TSP Classification
Site	Vacant	North Commercial District	North Commercial Node	N/A
North	Vacant, Undeveloped	North Commercial District	North Commercial Node	Munsel Lake Rd/Minor Arterial
South	Church	North Commercial District	North Commercial Node	N/A
East	Florentine Estates (Single-Family Detached Dwellings)	Medium Density Residential	Medium Density Residential	N/A

West	Fred Meyer, Commercial Retail	North Commercial District	North Commercial Node	US Hwy 101/Major Arterial
-------------	-------------------------------	---------------------------	-----------------------	---------------------------

II. NARRATIVE

Background-- This land use proposal is tied in to several past land use decisions spanning over a decade. The subject property 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 and was previously occupied by a single-family residence accessed through the driveway on Munsel Lake Road, closest to the Highway 101 intersection. At that time, the 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 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, yet another extension was granted and has since expired.

The developer secured new investors after the project's approval expiration, and in Spring 2018 re-applied for a 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. Most recently, on August 1, 2021, an extension for approvals PC 18 33 PUD 02 and PC 18 34 SUB 01 was approved for one year by the Planning Commission under the file name PC 21 12 EAP 02. Due to the passing of Ordinance No. 11, Series 2021 by the City Council, an additional one-year extension time was added to the expiration date approved by the Planning Commission. The Ordinance allowed the extra year for applications that had met financing and other developmental constraints due, in this instance, to the Covid-19 pandemic. Therefore, the expiration date for this newest extension is May 25, 2023.

As part of staff review of the application materials, staff has provided a Prior Conditions Checklist for conditions placed on earlier approvals from November 2019 and February 2020 related to this final subdivision proposal. This checklist can be found in Attachment 2. These include conditions from Resolutions PC 18 33 PUD 02 & PC 18 34 SUB 01, (The conditions for the tentative plan of Phase 1) and Resolution PC 18 35 DR 03 as related to a design review that outlined hours of on-site construction. Additionally, any conditions required to be met prior to issuances of a building permit are also noted in this report.

The applicants submitted a development schedule along with their application packet, (Exhibit "B"). They seek to construct public improvements upon plat approval and to have these completed in the first quarter of 2022, when their planned assisted living facility is completed. The lot sites for Phase 1 have already cleared.

III. NOTICES & REFERRALS

Notices:

On August 4, 2021, notice was mailed to surrounding property owners within 300 feet of the property, and a sign was posted on the property. Notice was published in the Siuslaw News on August 14, 2021.

At the time of this report, the City received Public written testimony by Ann Kilgore (Exhibit E), Dane Base (Exhibit E.1) and Doris Oliver (Exhibit E.2), who shared the same comments, as shown below:

"Any extensions or other concessions or other considerations should be predicated on the developers following through on conditions you imposed which, to date, have not been enforced:

- 1. Replant the areas at the Northern end of the site which were cleared without permit.*
- 2. Cover the acres of open sand with bark or other designated material.*
- 3. Build the 8 foot fence, for which the permit was an excuse to tear out all vegetation to the lot line."*

Staff Comments:

Staff recognizes the above concerns and have noted the original conditions of approval for Resolutions PC 18 22 PUD 02 & PC 18 34 SUB 01. Specifically, Conditions 3 and 20 state:

"3. 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 matte. (Tentative Subdivision Condition of Approval)"

"20. Condition 46 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. (Final PUD Condition of Approval)."

Staff Comments: Applicant shall follow through and meet the specifics of this condition (Condition 3). The applicant shall construct said fence prior to recording of the Final Plat as stated in Condition 20.

Referrals:

City of Florence Public Works, Admin. Services and Building Departments, Central Lincoln PUD, Charter, Central Coast Disposal, Century Link, Central Lincoln PUD, and Siuslaw Valley Fire and Rescue.

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

IV. APPLICABLE REVIEW CRITERIA

Florence City Code Title 10: Zoning Regulations

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

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

Chapter 30, North Commercial, Sections 5 G & H

Chapter 36: Public Facilities, Sections 2 through 9

Florence City Code Title 9: Utilities

(<http://www.ci.florence.or.us/council/title-9-utilities>)

Chapter 5: Stormwater Management Requirements, Sections 1 through 7

Florence City Code Title 11: Subdivision Regulations

(<http://www.ci.florence.or.us/council/title-11-subdivision-regulations>)

Chapter 1: Subdivision Administration, General Provisions, Sections 1 through 4

Chapter 4: Partition and Subdivision Final Plat, Sections 1 through 7

Chapter 5: Platting and Mapping Standards Sections 1 through 5

Conditions of Approval for Resolutions PC 18 33 PUD 02 & PC 18 34 SUB 01 and PC 18 35 DR 03 (Attachment "2")

V. FINDINGS

Code criterion are listed in **bold**, with findings in regular text. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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

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

6. Planned Unit Developments, preliminary and final plans.

Applicant is proposing a Final Subdivision Plat for a Planned Unit Development. Review applies as per 10-1-1-6-3.

B. Notification of Hearing:

- 1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property. a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.**
- 2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notification of the quasi-judicial land use hearing for this application was mailed on August 3, 2021, 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 August 14, 2021. 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 criteria from the ordinance and the plan that apply to the application at issue;**
 - c. Set forth the street address or other easily understood geographical reference to the subject property;**
 - d. State the date, time and location of the hearing;**
 - e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision**

maker an opportunity to respond to the issue precludes further appeal based on that issue;

f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;

h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

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

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

The Planning Commission will meet and decide 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 lies with the applicant.

10-1-1-4: APPLICATION:

- A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.**
- B. Applicability of Review Procedures: All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures as described in subsections 1-4 below. Table 10-1-1 lists some of the City's land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.**
 - 3. Type III (Quasi-Judicial) Procedure (Public Hearing). Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.**
- C. Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:**
 - 1. Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements.**
 - 2. Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.**
 - 3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)**
 - 4. Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.**

5. Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.
 6. Shall be accompanied by any other information deemed necessary by the City Planning Department.
 7. Shall be accompanied by the required, non-refundable fee.
- D. **Evidence Submittal:** Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted at least thirty (30) days prior to the hearing as provided in Subsection 10-1-1-6. (Amd. by Ord. No. 30 Series 1990)

The applicant submitted their request on the required City application form. Typically, subdivisions are reviewed administratively. However, subdivision review tied to Planned Unit Developments such as this request is processed under Type III procedures and is reviewed by the Planning Commission in accordance with this Chapter.

E. Traffic Impact Studies:

[...]

2. **Criteria for Warranting a Traffic Impact Study:** All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment to the Comprehensive Plan, zoning map, or zoning regulations; a change in use, or a change in access, if any of the following conditions are met:
 - c. The addition of twenty-five (25) or more single family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.
 - d. A change in land use that may cause an increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicle trips or more per day
 - e. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard.

The applicant submitted a Traffic Impact Analysis during the tentative subdivision plan for Phase 1 of this project. This TIA was peer reviewed and conditions pertaining to TIA are found in Attachment 6, Resolutions PC 18-33 PUD 02 & PC 34 SUB 01, which was approved April 23, 2019.

10-1-1-5: GENERAL PROVISIONS

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

- 1. The City shall take final action on housing applications meeting the criteria of ORS 197.311 within 100 days.**

The application for the Cannery Station Phase 1 PUD Final Subdivision was submitted June 14, 2021 and deemed complete on July 21st. The 120-day period would end on November 29, 2021 unless the applicant submits an extension to this rule in writing. The criteria are met.

[...]

C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

- 1. Acceptance.** When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.
 - a. The required forms.**
 - b. The required, non-refundable fee.**
 - c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.**
- 2. Completeness.**
 - a. Review and notification.** After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the

application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.

- b. **Application deemed complete for review.** In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above.
- c. **Standards and criteria that apply to the application.** Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.
- d. **Coordinated review.** The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

As stated above, the application for the Cannery Station Phase 1 PUD Final Subdivision was submitted June 14, 2021 and deemed complete on July 21st. Notices for review were submitted to the applicable departments and agencies as required by this Code on August 3, 2021.

[...]

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

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

[...]

- 6. **Planned Unit Developments, preliminary and final plans.**

[...]

- B. **Notification of Hearing:**

- 1. **At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**

- a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.

[...]

- d. Notice shall be mailed to any person who submits a written request to receive notice.
 - e. For appeals, the appellant and all persons who provided testimony in the original decision.
2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

C. Notice Mailed to Surrounding Property Owners - Information provided:

1. The notice shall:
- a. Explain the nature of the application and the proposed use or uses which could be authorized;
 - b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;
 - c. Set forth the street address or other easily understood geographical reference to the subject property;
 - d. State the date, time and location of the hearing;
 - e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;
 - f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;

- h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- i. **Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

On August 4, 2021, notice providing the information outlined in FCC 10-1-1-6-3 C was mailed to surrounding property owners within 300 feet of the property, and a sign was posted on the property. Notice was published in the Siuslaw News on August 14, 2021.

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

E. Action by the Planning Commission:

- 1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
- 2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
- 3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
- 4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

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

A Notice of Decision will be issued, in writing, to the applicants and persons providing testimony after the decision is rendered in accordance with this Section.

10-30: NORTH COMMERCIAL

10-30-5: DEVELOPMENT STANDARDS

- A. Building Setback from Highway and Other Arterials (measured from right-of-way line: Minimum of 25', the front 15' of which shall be landscaped**
- B. Setback from Side Streets: Minimum 15', the front 10' of which shall be landscaped.**
- C. Setback from Abutting Property: No setback is required except where property abuts a residential district, in which case, the following setback provisions shall apply:**
 - 1. When the abutting district is zoned Low Density Residential, Medium Density Residential or Mobile / Manufactured Home Residential, a 35' building setback shall be provided. Non-vertical elements such as parking or circulation may be located within the 35' setback.**
- D. Landscaping and Visual Buffers shall comply with Section 10-34 of this Title.**
 - 1. Except where the entire area between a street and building is landscaped, a minimum 3' high landscaped berm, hedge, natural vegetation, or heavy landscape planting shall be provided along the street frontage.**
 - 2. A minimum of 15 percent of the developed site shall be landscaped, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.**
 - 3. When the abutting district is zoned Low Density Residential, Medium Density Residential or Mobile/Manufactured Home Residential District, an 8' solid fence shall be constructed for the entire length of the abutting residential district, excepting that Department of State Lands Removal/Fill permit conditions will be honored in location of fence or wall within or abutting a delineated wetland.**

Prior land use approvals associated with this request were conditioned to fulfill the intent of this code section. Landscape plans were reviewed and conditioned as were fencing requirements between the development and residents of Florentine Estates. This last item is shown on Attachment 2 (Conditions Checklist) as Condition 20 of Resolution PC 18 33 PUD 02 & PC 18 34 SUB 01.

[...]

- G. Lot dimensions: Minimum lot width shall be 100 feet for new subdivisions. Minimum lot depth shall be 100 feet for new subdivisions.**

- H. Lot Area: Minimum lot size shall be 20,000 square feet for new subdivisions.**

[...]

- L. Access: shall comply with Section 10-35 of this Title, except as modified by the following specific standard:**

1. Driveway access from Highway 101 shall be limited to street intersections only, unless the property does not abut a side street or the property has at least 500 feet of highway frontage. In any case, shared driveway access between adjacent lots shall be required whenever practicable.

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

N. Open Space is required for residential developments of 4 or more units as follows:

1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designated and permanently reserved as common open space.
2. In meeting the open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.
3. To receive credit under this section, a common open space area shall have an average length that is not less than twenty feet (20').
4. Any common areas shall be owned as common property and maintained by a homeowners associations or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

P. Residential Development: Residential development must meet the provisions for Multi-Family Dwellings listed in FCC 10-10-9.

Development proposals were reviewed and conditioned through earlier resolutions. Exceptions were made for lot sizes and streets through earlier approvals

TITLE 10: CHAPTER 36: PUBLIC FACILITIES

10-36-2: STREET STANDARDS:

10-36-2-1: Development Standards: The following standards shall be met for all new uses and developments:

- A. All new lots created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation must have street frontage and approved access to a street.

- B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.**
- C. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.**
- D. All new public streets and alleys shall be paved per the City of Florence Standards and Specifications document. Alleys may also be improved with porous concrete, porous asphalt, permeable pavers such as turf concrete, brick pavers or other materials approved by the City. The City does not maintain alleys.**

10-36-2-2: Improvement Guarantee: The City may accept a future improvement guarantee (e.g., nonremonstrance agreement, which certifies that the owner and their successors will not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

- A. A partial improvement does not create a potential safety hazard to motorists, bicyclists, or pedestrians.**
- B. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, reduce street safety or capacity.**
- C. The improvement would be in conflict with an adopted capital improvement plan.**

10-36-2-3: Creation of Rights-of-Way for Streets and Related Purposes: Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be recorded, and provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Florence Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

10-36-2-4: Creation of Access Easements: The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code and the City of Florence Standards and Specifications.

10-36-2-5: Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.

- A. Street right-of-way and pavement widths shall be based on the following cross section standards. See individual zoning chapters for additional requirements regarding sidewalk width (for sidewalks wider than the standard 5 feet).**

TITLE 11: CHAPTER 4: PARTITION AND SUBDIVISION FINAL PLAT

FCC 11-4-1: APPLICATION

An application for a partition or subdivision final plat approval shall be made by the person proposing the partition or subdivision, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director after the effective date of tentative plan approval. Applications for a Final Plat are reviewed through a Type 1 Review as defined in Section 10-1-1-6. Said applications shall be accompanied by revised plans and additional information as prescribed in this Chapter.

The Final Phase 1 PUD plan and tentative subdivision plan were conditionally approved by the Planning Commission on April 23, 2019 (Attachment 6). An extension related to this application was approved by the Planning Commission on August 10, 2021. An important note is that since the April 2019 approval, Florence City Code has changed and may affect these findings, which are being reviewed as a Type III process. Given the scope of the overall project and these prior conditional approvals, a Conditions Checklist has been made and can be found in Attachment 2.

The application for final Phase 1 PUD final subdivision plat was deemed complete on July 21, 2021. These criteria have been met, (Exhibit "C").

FCC 11-4-2: REQUIREMENTS

- A. Drafting: Provisions for drafting shall be as follows:**

- 1. Partition or Subdivision Plats: Two (2) full-sized copies, one (1) reduced copy of 11" x 17" or less, and an electronic copy. Original plats shall conform to the Lane County Surveyor's specifications and requirements pertaining to material that has characteristics of adequate strength and permanency as well as suitability for binding and copying.**

Plats shall be in clear and legible form and may be placed on as many sheets as necessary but a face sheet and an index page shall be included for all plats placed on both sides of a sheet. Scale requirements shall be the same as specified for tentative plans. Lettering and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible and no part of the plat shall come nearer than one inch (1") to any edge of any sheet.

The electronic final subdivision plat and development plan for a planned unit development was submitted June 14, 2021 and followed by the required hard copies. These criteria have been met, (Exhibit "C").

B. Information Required: The application itself, or the proposed partition of subdivision plat, must contain the following with respect to the subject area:

- 1. Transverse computation sheets. The registered engineer or licensed land surveyor signing the surveyor's affidavit on the plat shall submit transverse computation sheets for the use of the City in checking the plat. Said sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all lot lines in the subdivision area, and for all boundaries and all lots in the plat which are not completely rectangular in shape. Each course and distance, and each latitude and departure shall be tabulated on the transverse computation sheet in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be extended and shown from a single meridian and from a single point of origin.**

Transverse computations have been supplied on the final plat draft (Exhibit C). This criterion has been met.

- 2. The lengths of all chords, radii points of curvature and tangent bearings.**
This criterion is shown to be met on Page 1 of Exhibit C.

- 3. The lot lines of all lots within the partition or subdivision, with dimensions in feet and hundredths of feet and with all bearings shown; the acreage or square footage of each lot.**
This criterion is shown to be met on Page 1 of Exhibit C.

- 4. Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.**
This criterion is shown to be met on Page 1 of Exhibit C.

- 5. Where a plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.**
This criterion does not apply.

- 6. The description and location of all permanent reference monuments.**
Monuments are referenced on the plat and within the Legend, respective of their monument type. This criterion is met.

- 7. An affidavit of a surveyor, who is an Oregon registered engineer or Oregon licensed land surveyor and who surveyed the partition or subdivision, conforming to the requirements of ORS 92.**
The final subdivision plat draft contains the relevant information from an Oregon licensed land surveyor. This criterion is met.

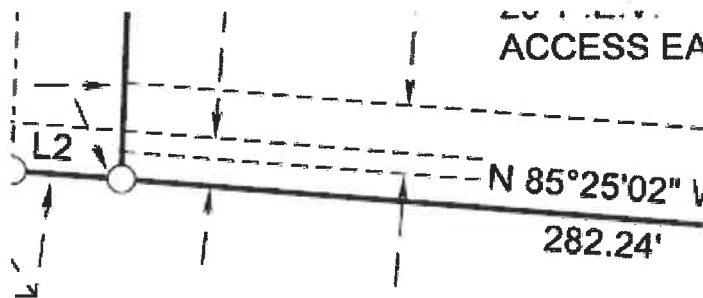
8. The date, north point and scale of the drawing, and a sufficient description to define the location and boundaries of the partition or subdivision.

The final subdivision plat draft contains the relevant information. These criteria are met.

9. The locations, names and widths of all streets, existing or being created. Two streets are unnamed on the final plat draft. Furthermore, the sole proposed street name provided does not match that of the approved tentative subdivision plan. The applicant shall provide the following street names on the final plat to ensure consistency with the conditionally approved tentative plat and existing City streets as follows: a. What is shown on the final plat draft as 47th Street shall be relabeled "Redwood Street." b. The east/west oriented street shall be labeled "47th Street," and; c. The most eastern street (oriented north/south) shown on the final plat draft shall be labeled "Spruce Street." [\[Condition 4\]](#).

10. The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required as provided for by this Chapter.

Not all public utility easements are labeled on the Final Plat draft.



Per FCC 11-4-2 B 10, the applicant shall label all easements accordingly. [\[Condition 5\]](#)

11. A designation of all areas covered by water, and the location, width and direction of flow of all watercourses.
12. A designation of all area being dedicated by the applicant including proposed uses, and an effective written dedication thereof.
13. Designation of all donations to the public of all common improvements including but not limited to streets, roads, parklands, multi-use trails and paths, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plat for the partition or subdivision.
14. A copy of all protective deed restrictions, Covenants, Conditions, and Restrictions (CC&R's), easements, maintenance agreements and other documents pertaining to common improvements recorded and referenced on the plat.

The applicant submitted a draft copy of the CC&R's on December 10, 2018. These CC&R's are shown as Exhibit M in Resolutions PC 18 33 PUD 02 and 18 34 SUB 01 as revised on

April 9, 2019. Additionally, notes on the final subdivision plat draft indicate verbiage that calls out private tracts (Tracts A through D) and responsibility for their maintenance. Furthermore, public utility easements are listed in this same section. There is a discrepancy with Notes 8 and 9 in page 2 of the Final Plat draft as explained above. The verbiage does not match the plat. For example, a one-foot wide access reserve strip is not shown in the east and north ROW lines of 47th St. 47th St., as conditioned in these Findings to be labeled correctly in accordance with the previously approved tentative subdivision plan. Also, whereas what should be labeled as Spruce St. on the final plat draft, there is no indication of a one- foot wide reserve strip even though this is explained in Note 8. Furthermore, the north end of what should be labeled Redwood Street does not contain a one-foot wide reserve strip as stated in Note 8. The applicant shall submit corrected plat draft notes to the Planning Department prior to recording the final plat. **[Condition 6]**

- 15. A title report issued by a title insurance company licensed by the State of Oregon verifying ownership by the applicant of the real property that is to be dedicated to the public (Ord.626, 6-30-80)**

The applicant supplied a Title report with the final PUD and tentative subdivision plan in accordance with this criterion. This criterion has been met.

- 16. A landscaping plan will be required delineating shrubs, trees, screen planning and natural vegetation corridors. The plan will show approximate height, species (and alternatives), placement and areas. The location of all trees measuring 10 inches (10") minimum (DBH) existing prior to development will be shown and those proposed to be removed. A maximum number of these trees will be retained, subject to provision of adequate area for building, parking and yard area, protection from windthrown hazard and solar access. (Ord. 626, 6-30-80; amd. Ord. 669, 5-17-82).**

Landscape plans have been reviewed extensively and conditioned through prior approvals.

11-4-3: REVIEW BY OTHER AGENCIES AND DEPARTMENTS: Within five (5) working days after the partition or subdivision 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 division that may be affected by the application for review, comments, or 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 application as submitted unless an extension is requested.

All relevant agencies were notified. No additional referral comments other than those submitted with earlier applications have been received. This criterion has been met.

11-4-4: APPROVAL OF FINAL PLAT: Within ten (10) days of the receipt of all comments and recommendation requested from appropriate agencies and departments or within forty-five (45) days of the receipt of a partition or subdivision plat application as provide for in this Title, the Planning Director shall approve, deny, or, when further information is required, postpone a decision on the application. The Planning Director may or its designee shall approve, deny, or, when further information is required

postpone a decision on the application. The Planning Director may require its designee to submit any tentative approval to the Director for review prior to notification of the applicant. In the event of a denial, the application shall be reviewed by the Planning Director within forty-five (45) days. Approval shall be based on the following criteria:

- A. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easement for public utilities.**

[...]

- B. The proposal conforms to the requirements of this Title, Title 9, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, Comprehensive Plan, and all other applicable laws and regulations as well as Section 11-1-1, Purpose, of this Title.**
- C. The final plat is consistent in design with the approved preliminary plat and all conditions of approval have been satisfied.**

The Tentative Subdivision Plan draft was approved by the Planning Commission on April 9th, 2019 (Attachment 10). The submitted final plat draft varies in design and content (streets names, for example) in that the temporary emergency access easement for Redwood St. for the Tentative Plan shows this temporary easement connecting to Munsel Lake Road further east than what the Final Plat draft shows. Furthermore, the Final Plat draft varies from the most recently submitted Public Improvement Plans shown on Sheet G1.4 of Attachment 5.0 and the Tentative Plan (Attachment 10). Of concern is that the emergency entrance could potentially be too near to the intersection of Highway 101 and Munsel Lake Road and create a traffic hazard. The current driveway at the location was intended for residential uses; not construction equipment access. Prior to filing the Final Plat, the applicant shall submit to the Planning Department approval letter from Lane County demonstrating that the temporary access point into the property at Munsel Lake Road is feasible. [\[Condition 7\]](#).

- D. The plat and deed contains a donation to the public of all common improvements including by not limited to streets, roads, parklands, multi-use trails and paths, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the partition or subdivision or in the case of parklands could also have been voluntarily donated.**
- E. Explanations of all common improvements required as conditions of approval of the tentative plan of the partition or subdivision have been accounted for and referenced on the plat or map.**

Site improvements are provided in the Phase 1 PUD site plans (Attachments 5.0 through 5.7) that were submitted and will be amended in the as-builts (revised drawings upon project completion) in order to fulfill both conditions in these Findings and prior Conditions that need amendments.

- F. Verification by the City that water and sanitary sewer service is available to**

every lot depicted on the plat.

The City has provided a Service Availability Letter to the applicant assuring that water and sanitary sewer service is available. (Attachment 9). The responsibility to provide water and sanitary sewer services to each lot and the provision of the necessary utility extensions, manholes, fire protection apparatus, construction, connection fees, engineering fees, street opening permits and any other necessary fees and materials required to service the lots shall be borne by the developer. [\[Condition 8\]](#)

G. Either:

- 1. Improvements as required by Titles 9 and 10, or condition of tentative plan approval have been completed and filed with the City; or**
- 2. A performance agreement (bond) or suitable substitute as agreed upon by the City and applicant has been filed with the Finance Officer in a sufficient amount of time to insure the completion of all required improvements; or**
- 3. A petition for improvements has been property executed by the applicant and will be assessed for said improvements.**

Conditions of approval for the tentative plan have not all been completed. The Final Plat application for Cannery Station, Phase 1 Plat was submitted June 14, 2021 and deemed complete on July 21, 2021. Planning Commission approval for the Final Plat draft is scheduled for August 24, 2021. Prior to filing the final plat for Phase 1 of the Cannery Station PUD, a bond shall be required for the public improvements since the developer seeks to finalize the plat prior to installation and completion of these improvements. The developer shall bond, provide a cash deposit or a combination of both so that there are assurances in place in the event the developer fails to construct the improvements and the City or another party will finish the public improvements. The amount of the bond shall be provided by the Public Works Director. [\[Condition 9\]](#)

H. Taxes, as well as public liens, assessments and fees with respect to the partition or subdivision have been paid; or adequate guarantee has been provided assuring said taxes liens, assessments and fees will be paid prior to recordation.

The Lane County Assessment and Taxation Department is required to sign the plat before it may be recorded. The Assessor ensures taxes and fees are collected before signing the final plat.

I. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions, and Restrictions (CC&R's), easements, maintenance agreements and other documents pertaining to common improvements recorded and referenced on the plat.

Applicant shall supply a recent copy of Covenants, Conditions, and Restrictions, easements and maintenance agreements pertaining to common improvements recorded and referenced on the plat. [\[Condition 10\]](#)

J. The Plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with property monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of each monument and its reference to some corner approved by the County Surveyor for purposes of identifying its

location.

The plat draft contains the required surveyor affidavit and other requirements of this criterion. The criterion is met.

11-4-5: EXPIRATION OF TENTATIVE PLAN APPROVALS: If the conditions set at the time of approval are not fulfilled and the plat or map offered for recording by the partitioner or subdivider in the office of the County Recording Officer within two (2) years, unless approved as a phased subdivision tentative plan consistent with FCC 11-3-8, the tentative plan approval is null and void, and a new application for plat or map approval must be submitted for reconsideration.

An extension of the tentative plan may be pursued consistent with FCC 11-3-6.

The applicant submitted an application for an extension of the tentative subdivision plan on April 19, 2021. The Planning Commission granted a one-time extension on August 10, 2021. Because the City Council passed Ordinance No. 11, Series 2021, an additional year was added to the Planning Commission approval because the specific reason for the request (financing difficulties due to the Covid-19 Pandemic), fell under the special circumstances outlined in the Ordinance.

11-4-6: DELIVERY OF FINAL PLAT TO COUNTY RECORDER:

A. (...)

B. Subdivision: Within (60) days of City approval of the final plat the Planning Director shall:

- 1. Obtain on the approved subdivision plat the signature of the County Assessor, whose signature shall certify that all taxes on the property have been paid;**
- 2. Obtain on the approved subdivision plat the signature of the Planning Director, whose signature shall certify that the platting laws of the State and the requirements of this Title have been complied with; (Amd. Ord 30, Series 1990).**
- 3. Deliver the approved subdivision plat to the office of the County Clerk;**
- 4. Notify the subdivider that the approved subdivision plat has been delivered to the office of the County Clerk and may be offered for recording.**

C. Prerequisites to Recording the Plat:

- 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provide by ORS Chapter 92.**
- 2. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS Chapter 92.**

TITLE 9: UTILITIES

CHAPTER 5: STORMWATER MANAGEMENT

9-5-2: DRAINAGE PLAN SUBMITTAL REQUIREMENTS:

9-5-2-1: GENERAL:

- A. A Drainage Plan is required for all development, except as provided in FCC 9-5-2-4. Submittal requirements are tailored to the size and impacts of the development. The submittal requirements are specified in the Stormwater Manual.**
- B. A registered Professional Engineer licensed by the State of Oregon shall prepare, certify, and seal the Drainage Plan whenever a Professional Engineer is required in the Stormwater Manual or state law. Furthermore, prior to land disturbing activity, the developer for the land disturbing activity shall certify that the proposed activities will be accomplished pursuant to the approved plan.**
- C. If a land use approval is required, the Drainage Plan shall be submitted and approved as part of the land use approval process. If no land use approval is required, the Drainage Plan shall be submitted as part of the application for a construction or facility permit.**

Professionally engineered drainage plans bearing a seal have been submitted and include Sheets ST5-0 through 02 in Attachment 5.3. At this time, however, the plans are not for construction as noted in the plans. Prior to recording the final plat, the applicant shall provide final drainage plans to be reviewed and approved by the City in accordance with FCC 9-5-2-1. [\[Condition 11\]](#)

9-5-3: STORMWATER DESIGN CRITERIA:

9-5-3-1: GENERAL:

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

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

- A. A 25-year, return period storm shall be used for the design of all private and public stormwater drainage systems.**
- B. Onsite stormwater management facilities shall be required to prevent the post-development runoff rates from a project site from exceeding the pre-development runoff rates from the site, based on a 2 through 25-year storm. Exemptions to this requirement may be approved by the City Manager or his/her designee if it is determined that a more effective solution is available and that downstream capacity will accommodate the increase in flow.**
- C. Each new development project is responsible for mitigating its impacts on the stormwater system. This mitigation requirement can be satisfied through the use of any of the following techniques, subject to the other limitations identified by this Code:**
 - 1. Construction of onsite facilities to limit the flow rate of stormwater runoff leaving the development site, in accordance with the Stormwater Manual.**
 - 2. Enlargement or improvement of the down gradient conveyance system in accordance with the requirements of this Code and the City of Florence Stormwater Management Plan.**

- D. The development of any land requiring a Drainage Plan shall address onsite and off-site drainage concerns, both up gradient and down gradient (a minimum of 1/4-mile) of the project, including:**
- 1. Modifications to the existing onsite stormwater drainage and management facilities and drainage patterns shall not restrict or redirect flows creating backwater or direct discharge on to off-site property to levels greater than the existing condition unless approved by the affected offsite property owners and the City. Proof of off-site property owners approval shall be provided by having the affected property owner(s) sign an easement identifying the location of the backwater storage or impoundment area. This area shall be clearly shown on the submitted Drainage Plan site sheet(s). The easement shall be in a form approved by the City and recorded with the Lane County Deeds and Records Office.**
 - 2. Stormwater facilities shall be designed and constructed to accommodate all flows generated from the project property in accordance with the land use zoning as shown in the most recent approved City Code.**
 - 3. Capacity of the downstream drainage system to determine if increases in peak flow rates resulting from the proposed development can be accommodated.**
- E. The types of stormwater management controls presented in the Stormwater Manual are available for owners and developers to use in satisfying the pre-developed and post-development runoff requirement. More than one of these types of controls may be needed to satisfy the runoff requirement. In areas where the runoff requirement in Section 9-5-3-2-F are exempt or partially exempt, the City may require improvements to the down gradient conveyance system.**

Stormwater has been reviewed through conditional approval of Resolutions PC 18 33 PUD 02 and PC 18 34 SUB 01. Conditions of those approvals continue to apply.

9-5-4: MAINTENANCE RESPONSIBILITY:

9-5-4-2: PRIVATE FACILITIES:

- A. Private stormwater facilities must be maintained in accordance with the Operations and Maintenance Plan approved as part of the Drainage Plan. The Operations and Maintenance Agreement will be recorded with the Lane County Deeds and Records Office. The Stormwater Manual contains the Operations and Maintenance Agreement Form to be used. A log of all maintenance activity shall be kept by the owner and made available to the City upon request. The City may, at its option, inspect the facilities for compliance with the requirements. If a property owner fails to maintain their facilities, the City may issue a written notice specifying the required actions. If corrective actions are not completed in a timely manner, the City may pursue legal remedies to enforce the provisions of the Operations and Maintenance Plan. The City will only enter the property to perform the required corrections if the public's health and public property are in imminent danger. In this situation, reasonable attempts will be made to contact the property owner(s), but a written notice may not be required. The property owner(s) will be billed for City incurred expense.**

- B. The Maintenance Agreement shall provide that upon notification by the City of any violation, deficiency or failure to comply with the agreement or this Code, corrections shall be completed within ten (10) days after notice thereof. Thereafter the City may pursue legal action to enforce the provisions of the agreement. In an emergency situation, the City may provide for all necessary work to place the facility in proper working conditions. The persons specified as responsible for maintenance in the Maintenance Agreement shall be charged the costs of the work performed by the City or its agents.**

11-5-1: STREETS:

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

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 were proposed and reviewed for hardship or meeting Title 11 purposes under the considerations listed under 10-36-2-5-B and approved under Resolutions PC 18 33 PUD 02 and PC 18 34 SUB 01:

- 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 was granted 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 was granted for the right-of-way width.
- 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.**

- 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.

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 lots meeting the minimum lot sizes for single-family detached dwellings in the underlying zone.
3. **Frontage:** Each lot shall have frontage upon a street of not less than the required minimum lot width for the underlying zone and development type, except that a lot with a required minimum width of fifty feet (50') located 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.

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 overall 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, and Lots 7 & 8 upon application of the subdivision phase containing those lots.

Again, for the overall plan, the Preliminary PUD was approved for modification to the minimum dimensions and lot size for the proposed attached single-family attached homes, 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 (Lots 3 and 4 shown in this Phase 1 Final Subdivision Plat) 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, which were allowable under Section B, Exceptions, below.

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.

2. Land Zoned for Commercial Use: The Planning Commission may in its discretion authorize relaxation of the lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this Title.

3. Lot or Parcel Retained for Future Subdivision or Partition: The Planning Commission may in its discretion waive lot frontage requirements where in its judgment a lot or parcel should and will be retained by the applicant, and future subdivision or partition of such lot will be best protected by the creation of a reserve strip separating such lot from any street.

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

4. Flag Lots: [...]

This proposal does not include flag lots.

5. Lot and Parcel Side Lines: As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lot or parcel faces; except those on curved streets, they shall be radial to the curve.

All lots are situated at right angles to their respective lot fronts. This criterion has been met.

6. Suitability for Intended Use: All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the

residents of the subdivision or partition or of such lot or parcel as determined by the Planning Director in accordance with the purpose of this Title.

The lots and parcels (tracts) shown on this final subdivision plat have been conditionally pre-approved through a tentative plan process by the Planning Commission. As such, they continue to meet the requirement of this criterion.

11-5-3: PUBLIC FACILITIES:

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

11-5-4: 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 subdivision applications shall be reviewed by the City, using the Phase I checklist contained in Site Investigation Reports by Wilbur E. Ternyik, 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. C. 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.**

Development standards for potential problem areas were thoroughly reviewed and conditioned through the Final PUD and Tentative Phase 1 Plan application process. Conditions 3, 16, 20 and 21 (Attachment 2) refer to wetlands and the need for site investigations in general.

9-5-5: EASEMENTS:

9-5-5-2: PRIVATE FACILITIES:

- A. Private facilities must be placed in an easement, tract, or right-of-way that allows for the maintenance of these facilities in accordance with the Operations and Maintenance Agreement.**

- B. The City may determine that certain privately owned facilities are critical components of the overall stormwater system. In these situations, the City shall be granted perpetual, non-exclusive access that allows for public inspection. The access shall be defined in accordance with the requirements for a public easement, tract, or right-of-way.**

Conditions of Approval are shown Resolution PC 18 33 PUD 02 and PC 18 34 SUB 01 (Attachment 6). Before considering final approvals (and discussed in the Narrative of these Findings), it is imperative to address the conditions outlined in the tentative plan approvals and other related approvals to ensure that the proposed development remains consistent and does not significantly change. Therefore, Planning staff has provided a checklist of the conditions that need to be met from the above prior approvals, (Attachment 2). Each of these conditions are taken from their respective Resolutions and retain the exact numbering for ease of review. An exception is Condition 8 of Resolution 18 35 DR 03, which states:

"8. Construction, demolition, alteration, or repair of any building or the excavation of streets associated with Phase 1 of the PUD, shall occur during the following timeframes:

- Weekdays (Monday – Friday) from 7:00 a.m. to 7:00 p.m.*
- Weekends (Sat.-Sun.) from 9:00 a.m. to 5:00 p.m.*
- Interior work may occur seven days a week from 7:00 a.m. to 7:00 p.m.*

In case of emergency, as determined by either the Public Works or Planning Departments, construction or repair noises are exempt from this condition."

This condition was found in a resolution related to a design review, but remains applicable and worth observing throughout the entire construction process of the overall development.

VI. CONCLUSION

The application for PC 21 20 SUB 01 meets the requirements of City Code with conditions. The Conditions are stated in Resolution PC 21 20 SUB 01. These conditions, in no way, serve to amend or replace existing conditions of earlier resolutions approved by the Planning Commission.

VII. EXHIBITS

"A"	Findings of Fact
"B"	Application and Schedule
"C"	Phase 1 PUD Final Subdivision Plat Draft
"D"	Applicant Testimony
"E"	Kilgore Testimony
"E.1"	Base Testimony
"E.2"	Business Testimony

VIII. ATTACHMENTS

Attachments are provided for reference only and are not included within the Exhibits to be approved. Previous Conditions of Approval stand as approved but have been incorporated within the Findings of Fact where applicable.

"2"	Prior Approval Conditions Staff Checklist
"3"	PC 18 33 PUD 02 & PC 18 34 SUB 01 Findings (<i>without exhibits</i>)
"4"	Phase 1 PUD Tentative Subdivision Plan Draft
"5.0"	Public Improvement Plans Sheets G1.0 thru G1.6
"5.1"	Public Improvement Plans Sheets ST2.0 thru ST2.5
"5.2"	Public Improvement Plans Sheets ST 3.0 thru ST 4.5
"5.3"	Public Improvement Plans Sheets ST5.0 thru ST 7.4
"5.4"	Public Improvement Plans Sheets ST 8.0 thru ST 10.3
"5.5"	Public Improvement Plans Sheets ST 11.0 thru ST 12.2
"5.6"	Public Improvement Plans Sheets LA-1 thru LA-8
"5.7"	Public Improvement Plans Sheets E 1.00 thru E 1.10
"6"	Resolutions PC 18 33 PUD 02 & PC 18 34 SUB 01
"7"	Title Report
"8"	Service Availability Letter