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**AGENDA ITEM SUMMARY / STAFF REPORT**  
**FLORENCE PLANNING COMMISSION**

**ITEM NO: 4**  
Meeting Date: October 24, 2023

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**ITEM TITLE:** PC 23 21 EAP 05 - *Cannery Station Phase 1 Transitional Cottages, Lots 3 & 4 Extension*

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**OVERVIEW:**

Application: A request for extension to AR 21 20 DR 03, a September 15, 2022 approval of an administrative design review for transitional cottages on Lots 3 & 4 of the Cannery Station Phase 1 PUD. The overall development proposal for Phase 1 included a mixed-use development consisting of a 64-Bed Assisted Living Facility, 10 single-story Transitional Cottage Units, a 42-Unit three-story apartment building and two single-story commercial structures. This extension request was applied for by Chuck McGlade and representative Peter Englander on behalf of Cannery Station Development LLC. The PUD is located east of Highway 101 across from Fred Meyer, west of Florentine Estates, north of the Community Baptist Church, and south of Munsel Lake Road and shown on Map #. 18-12-14-20, Tax Lot 00700.

The subject transitional cottages are strongly tied to an overarching PUD and its tentative subdivision plan. During a July 2023 Planning Commission hearing, the applicant demonstrated special existing circumstances that warranted the extension of the tentative plan including substantial increases in interest rates, tightening of commercial lending standards, and the relationship between the public improvement and construction costs for the assisted living facility. Likewise, development for the transitional cottages is directly tied to future installation of streets, sidewalks, stormwater, landscaping and utilities for Phase 1, and the filing of the Final Plat. The applicant projects in Exhibit C that financial obstacles will be overcome within the next 90 days. In the meantime, no area rezoning nor material land use changes have occurred that would negatively impact the development. There is a subdivision application for Spruce St. to the north that will affect traffic counts at the intersection of Hwy 101 and Munsel Lake Road. It is still in the review process.

Design Review extensions are typically valid for a year from the date of approval as outlined in FCC 10-6-11. Subsections A through C of this section provides a list of criteria to use specifically for Design Review extension requests when weighing the validity of an approval:

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

The applicant provided their extension request in writing prior to expiration of the original approval, demonstrated special circumstances exist to warrant the extension (financing) and that no material changes of surrounding land uses or zoning have occurred.

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Process and Review: Extension requests for Design Reviews of any type of land use decision are Type III land use applications requiring quasi-judicial public hearings. The Florence Planning Commission is the review body as set out in Florence City Code Title 10, Chapter 1. The Resolution, Findings of Fact and application materials are attached to this AIS. Additionally, testimony (if any) and, at times, parts of the application are included as separate attachments and are not included as part of the resolution exhibits. The applicable criteria are listed in the “Applicable Criteria” section of the findings. Not only related code sections in this particular instance may be applied in the decision-making process, but also application materials, public testimony and agency referrals that speak to the criteria may also be considered.

The Planning Commission will open and possibly close the public hearing on October 24, 2023. The Planning Commission may then deliberate and provide their final decision on this matter.

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**ISSUES/DECISION POINTS:** None

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**ALTERNATIVES:**

1. Approve PC 23 21 EAP 05, based on the Commissions’ findings that the application meets the requirements of City Code subject to conditions.
2. Deny the request for extension based on the Commissions’ findings that the application does not meet City Code.
3. Continue the public hearing to a date certain.
4. Close the hearing, leave the written record open a minimum of seven days and set a date for deliberation and decision.
5. Close the public hearing and written record and continue deliberations and decision to a later date.

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**RECOMMENDATION:** Alternative 1: Approve the extension request for PC 23 21 EAP 05, Transitional Cottages, Lots 3 and 4 of the Phase 1 Cannery Station based on the evidence in the record and findings of fact that show consistency with the Florence City Code.

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**AIS PREPARED BY:** Roxanne Johnston, Contract Planner, CFM

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**ATTACHMENTS:**

**Attachment 1 - Resolution PC 23 21 EAP 05 (draft)**

- Exhibit A Findings of Fact (proposed)
- Exhibit B Land Use Application and Extension Request
- Exhibit C AR 21 20 DR 03 (*without exhibits*)
- Exhibit D Site Plan for Lots 3 & 4

**Additional Reference Material:**

- Exhibit E Resolution PC 18 33 PUD 02 & PC 18 34 SUB 01 (*without exhibits*)
- Exhibit F Resolution 23 05 EAP 03 (*without exhibits*)

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**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 23 21 EAP 05**

A REQUEST BY CHUCK MCGLADE, REPRESENTED BY PETER ENGLANDER, ON BEHALF OF CANNERY STATION DEVELOPMENT, LLC FOR AN EXTENSION OF APPROVAL FOR AR 21 20 DR 03, ATTACHED TRANSITIONAL COTTAGES ON LOTS 3 AND 4 OF THE PHASE 1 CANNERY STATION PLANNED UNIT DEVELOPMENT PLAN, LOCATED AT THE SE INTERSECTION OF MUNSEL LAKE RD. AND HIGHWAY 101, FLORENCE, MAP # 18-12-14-20, TL 00700 AND ZONED NORTH COMMERCIAL DISTRICT.

**WHEREAS**, application was made by Chuck McGlade, represented by Peter Englander, on behalf of Cannery Station Development, LLC for an extension of AR 21 20 DR 03 for attached transitional cottages to be located on Lots 3 and 4 of Phase 1 the Cannery Station Planned Unit Development, FCC 10-1-1-4 B3, FCC 10-1-1-6-3, and FCC 10-6-11, and

**WHEREAS**, the Planning Commission met in a duly-advertised public hearing on October 24, 2023, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

**WHEREAS**, the Planning Commission of the City of Florence, per FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-6-11, finds, based on the Findings of Fact, application, staff recommendation, evidence, and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for the extension of AR 21 20 DR 03, a Design Review for attached transitional cottages on Lots 3 and 4 of Phase 1 of the Cannery Station Planned Unit Development meets the applicable criteria in Florence City Code with the conditions of approval as listed below.

**Conditions of Approval:**

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

Approval shall be shown on conditions of approval as supported by the following record:

"A"	Findings of Fact
"B"	Land Use Application & Extension Request
"C"	AR 21 20 DR 03 <i>(without exhibits)</i>
"D"	Site Plan for Lots 3 & 4

Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision.

1. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.
2. Regardless of the content of material presented, 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 prior to issuance of a building permit.
3. The applicant shall abide by the conditions of approval of AR 21 20 DR 03.
4. This extension of approval shall expire October 25, 2024.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 24<sup>th</sup> day of October, 2023.

\_\_\_\_\_  
Sandra Young, Chairperson  
Florence Planning Commission

\_\_\_\_\_  
DATE



**FINDINGS OF FACT (Draft)**  
**FLORENCE PLANNING COMMISSION**  
**Exhibit “A”**

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**Public Hearing Date:** October 24, 2023                      **Planner:** Roxanne Johnston  
**Application:** PC 23 21 EAP 05  
**Related Applications:** AR 21 20 DR 03; PC 23 05 EAP 03; and PC 18 33 PUD 02 &  
PC 18 34 SUB 01

**I. PROPOSAL DESCRIPTION**

**Proposal:** An application requesting extension of AR 21 20 DR 03, an administrative Design Review for attached transitional cottages on Lots 3 and 4 of Phase 1 of the Cannery Station Planned Unit Development.

**Applicant:** Chuck McGlade, represented by Peter Englander

**Property Owners:** Cannery Station Development, LLC

**Location:** SE corner of Munsel Lake Rd. and US Hwy 101

**Site:** Map # 18-12-14-20, Tax Lot 00700

**Comprehensive Plan Map Designation:** North Commercial Node

**Zone Map Classification:** North Commercial (NC)

**Surrounding Land Use / Zoning:**

Site: Vacant / NC  
North: Vacant, Undeveloped / NC  
South: Church / NC  
East: Single Unit Dwellings detached, Florentine Estates / Medium Density  
West: Highway 101 & retail sales-Fred Meyer/ NC

**Streets / Classification:**

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

**II. NARRATIVE:**

Proposal – On September 15, 2022, Planning staff conditionally approved a design review for attached transitional cottages to be located on Lots 3 and 4, of Phase 1 of the Cannery Station Planned Unit Development. These lots are to be situated on the southeastern quadrant of the 17-acre +/- subject property as shown in Exhibit D.

The 2022 review application was processed as a Type II administrative review consistent with FCC 10-1-1-6-2, and encompassed proposed landscaping and driveway access. The conditional approval is found within the Findings for AR 21 20 DR 03 located in Exhibit C. Condition 7 provides an expiration date of the approval of September 8, 2023, per FCC 10-6-11, allowing an opportunity for one extension if substantial construction has not commenced. Neither construction nor site preparations have begun for these units due to funding issue difficulties explained in Exhibit B, and because streets, sidewalks, stormwater and other infrastructure will first need to be installed prior to the Phase 1 subdivision plat being submitted for final city review. There are no legal lots until final plat is approved by the city and then recorded with the county.

This request is strongly linked to a July 25, 2023 Planning Commission decision whereupon a one-year extension of the overall Phase 1 tentative plan for Phase 1 of the Cannery Station PUD (PC 23 05 EAP 03) was permitted after a public hearing was held. This phase of the development is to include a 64-bed assisted living facility (ALF), 2 commercial buildings, a three-story 42-unit apartment building and 10 single-story transitional cottages which includes the two attached subject townhouses. The tentative plan and Final PUD for Phase 1 proposes 6 lots and 3 streets in addition to four undevelopable tracts designated for stormwater, open space, and future land division.

This finding of fact considering the extension application consider the request for an extension of the approved design review. There is no opportunity to require new conditions or modification of the 2022 approval or other associated approved applications. There are just three criteria to be considered which are discussed below on page 5.

### **III. NOTICES:**

**Notice:** On October 4, 2023, notice was mailed to surrounding property owners within 101' feet of the property and a sign posted on the property on the same date. Notice was also published in the Siuslaw News on October 13, 2023.

As of the date of these Findings, the City has not received written comments on the application.

### **IV. APPLICABLE REVIEW CRITERIA**

#### **Florence City Code, Title 10:**

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

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

Chapter 6: Design Review: Section 11

Chapter 23: Planned Unit Developments, Sections 11-1 and 14

#### **Title 11: Subdivision Regulations** (found at <http://www.ci.florence.or.us/council/title-11-subdivision-regulations>)

Chapter 3: Subdivision Tentative Plan Procedure, Section 6

Conditions of Approval for AR 21 20 DR 03 and Resolutions PC 18 33 PUD 02 & PC 18 34 SUB 01

PC 23 21 EAP 05 - Transitional Cottages Lots 3 & 4, Phase 1 Cannery Station PUD Design Review Extension

## **V. FINDINGS**

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### **FLORENCE CITY CODE**

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

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

Per FCC 10-6-11, reviewed below, extensions to design review approvals may be granted by the Planning Commission. This application has been processed as a Type III quasi-judicial review because such review is not allowable under an administrative Type II procedure. This criterion is met.

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

- 1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
- 2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notice of the public hearing was posted on the subject property on October 4, 2023. On this same date, notice was mailed to all property owners within 101 feet of the property. Notice was also published within the Siuslaw News one time on October 13, 2023. These criteria 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 provided notice contained the required information listed in FCC 10-1-1-6-3-C. 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.**

**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.**

**[...]**

- 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 public hearing on this matter was scheduled for October 24, 2023 meeting the standards of FCC 2-3 and FCC 2-10. The Planning Commission received all materials provided by the applicant. The findings state whether the application criteria were met or not. These criteria are met.

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

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**10-6-11: LAPSE OF DESIGN REVIEW APPROVAL:** Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

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

**The Planning Commission may deny the request for an extension of a design review permit if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)**

The request for an extension of AR 21 20 DR 03 was received on July 7, 2023, prior to the administrative approval's expiration date of September 8, 2023. The application was deemed 'complete' as of August 30, 2023. The applicant shall abide by the conditions of approval for AR 21 20 DR 03. [[Condition 3](#)]

The relationship between securing funding for overall Phase 1 PUD and increased interest rates have been listed in Exhibit F, being the overarching tentative plan extension request recently approved, thereby representing unusual circumstances that warrant an extension. Exhibit B explains that funding obstacles should be overcome within 90 days. Additionally, no material changes of surrounding land uses nor zoning had occurred at the time of extension application. The requirements listed in FCC 10-6-11 A through C have been met.

Per FCC 10-6-11, approval of the extension of approval for AR 21 20 DR 03 shall expire on October 25, 2024, after which no additional extensions may be granted. [[Condition 4](#)]

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**TITLE 10: CHAPTER 23: PLANNED UNIT DEVELOPMENTS**

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**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.
- 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)
- 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.
- 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.

Conditional approval for Phase 1 of the Cannery Station Planned Unit Development is found under Resolution PC 18 33 PUD 02 and PC 18 34 SUB 01 in Exhibit F, approved by the Planning Commission on April 9, 2019. The findings for that resolution review the requirements of FCC 10-23-11 and conditions applied, where applicable, to the related resolution.

#### **10-23-14: EXPIRATION OF APPROVAL FOR A PUD:**

- A. If the PUD includes creation of a subdivision, and approval of the subdivision has expired or is rejected as provided in Chapter 11-4 of this Code, the PUD approval is revoked as of the expiration or rejection date for the proposed subdivision.
- B. If substantial construction or development of the PUD has not occurred in accordance with the approved final development schedule, said approval shall

**lapse at 18 months from the date of approval and shall no longer be in effect. The Planning Commission may, upon showing of good cause by applicant, extend approval for a period not to exceed 18 months.**

As explained in the Narrative of these findings, the extension request for the transitional cottages is strongly tied to both the Phase 1 Cannery Station PUD and its tentative subdivision plan. The tentative plan was granted two extensions by the Planning Commission with the most recent conditional approval granted by the Planning Commission on July 25, 2023, under Resolution 23 14 EAP 04, (explained in further detail under Title 11, Chapter 3 of these findings). There was no need to request an extension of the Phase 1 Final PUD as building permits are pending for the assisted living facility (ALF) and a foundation was constructed, representing that “substantial construction” has taken place per FCC 10-6-11. This part of code outlines what is required to avoid a lapse in a design review approval. Issuance of the permits is pending upon the filing of the final plat, installation of the streets, sidewalks, and other public and private infrastructure in addition to conditions required with final plat approval. Extension for the tentative Phase 1 subdivision plan ensured that both the ALF and the transitional cottages on Lots 3 and 4 (the subject of this extension request) could move forward, at least up until the current extension for the transitional cottages are approved, which is why this extension is necessary to the project.

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## **TITLE 11: CHAPTER 3: SUBDIVISION TENTATIVE PLAN PROCEDURE**

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**11-3-3: REVIEW OF TENTATIVE SUBDIVISION: Within five (5) working days after the 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 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.**

The tentative subdivision plan and the Planned Unit Development related to Lots 3 and 4 (Cannery Station Planned Unit Development, Phase 1), were conditionally approved by the Planning Commission under Resolution PC 18 33 PUD 02 & PC 18 34 SUB 01 on April 9, 2019. The tentative plan was granted two extensions. Generally, only one extension is allowable under City Code; however, City Council held a public hearing on June 21, 2021, and adopted Ordinance No. 11, Series 2021 which essentially allowed an additional one-year extension opportunity to certain approved land use decisions submitted within a prescribed time period due to the Covid-19 pandemic and Wildfire impacts on supply and demand of materials and other related development constraints.

The first extension for the Phase 1 tentative plan for PC 18 34 SUB 01 was conditionally approved under Resolution PC 21 12 EAP 02. The applicants explained within their extension application that financing was severely impacted by the Covid-19 pandemic. The expiration date for the extension was May 25, 2023. To qualify for the second and final extension allowed under Ordinance No. 11, Series 2021, the applicants submitted the most recent extension request on May 17, 2023, over a week before the first extension expired. This final extension was approved by the Planning Commission on July 25, 2023.

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**VI. CONCLUSION** – The requested extension meets the requirements of City Code subject to conditions.

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**VII. EXHIBITS**

"A" Findings of Fact
"B" Application & Extension Request
"C" AR 21 20 DR 03 ( <i>without exhibits</i> )
"D" Site Plan for Lots 3 & 4
"E" Resolution PC 18 33 PUD 02 & PC 18 34 SUB 01( <i>without exhibits</i> )
"F" Resolution 23 05 EAP 03 ( <i>without exhibits</i> )





# Exhibit B

200 Highway 101  
Florence, OR 97439  
Phone: (541) 997 - 8237  
Fax: (541) 997 - 4109  
[www.ci.florence.or.us](http://www.ci.florence.or.us)

## Type of Request

### THIS SECTION FOR OFFICE USE ONLY

☐ Type I ☐ Type II ☐ Type III ☐ Type IV

Proposal: \_\_\_\_\_

## Applicant Information

Name: Charles McGlade, MD Phone 1: (541)-913-1273

E-mail Address: cmcglade@ridgeline.com Phone 2: \_\_\_\_\_

Address: 400 International Way Suite 170, Springfield, OR 97477

DocuSigned by: \_\_\_\_\_ Date: 8/10/2023

Signature: Chuck McGlade Peter Englander (peterenglander@aumus.com, 503-752-3575)

Applicant's Representative (if any): \_\_\_\_\_

## Property Owner Information

Name: Cannery Station Development LLC Phone 1: (541)-913-1273

E-mail Address: cmcglade@ridgeline.com Phone 2: \_\_\_\_\_

Address: 10300 SW Greenburg Rd Ste 425, Portland, OR 97223

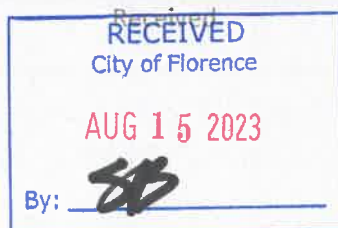
DocuSigned by: \_\_\_\_\_ Date: 8/11/2023

Signature: Chuck McGlade Peter Englander (peterenglander@aumus.com, 503-752-3575)

Applicant's Representative (if any): \_\_\_\_\_

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

## For Office Use Only:



Approved

Exhibit

**Property Description**Site Address: Spruce St. Florence, Oregon 97439General Description: The subject property is a vacant, commercially zoned parcel  
(approximately 17.59 acres) located in the norther region of Florence.Assessor's Map No.: 18 - 12 - 14 - 20 Tax lot(s): 700Zoning District: North Commercial District

Conditions &amp; land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map

(FCC 10-1-1-4-B-3): See Resolution 10 33 PUD 02 & PC 18 34 SUB 10 approved 4/23/2019.

Adjacent uses are mixed. To the North is a vacant parcel zoned Commercial. To the East is a single family subdivision development. To the South is a church with Commercial zoning. To the West is a Fred Meyer retail store with Commercial zoning designation.

**Project Description**Square feet of new: +/-1,856Square feet of existing: 0Hours of operation: 8:00am - 5:00pmExisting parking spaces: noIs any project phasing anticipated? (Check One): Yes ☐ No ☒Timetable of proposed improvements: Approximately 6 months for this specific part of a larger projectWill there be impacts such as noise, dust, or outdoor storage? Yes ☒ No ☐If yes, please describe: General construction noise associated with single-family residential construction can be anticipated, but not beyond a typical reasonable degree.Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)

Applicant requests a one year extension on the Design Review approval for the Cannery Station Cottages Lots 3 &amp; 4 Resolution AR 21 20 DR 03.

1. The request for an extension is made in writing prior to expiration of the original approval.

- Request for extension ahead of expiration on 9/8/2023.

2. There are special or unusual circumstances that exist which warrant an extension.

- Financing challenges expected to be overcome within the next 90 days, still beyond expiration.

3. No material changes of surrounding land uses or zoning has occurred.

- No material changes of surrounding land uses or zoning has occurred.

**For Office Use Only:**

Date Submitted: \_\_\_\_\_ Fee: \_\_\_\_\_

Received by: \_\_\_\_\_

Paid

**Certificate Of Completion**

Envelope Id: 53AFFE355B364168A58FBD916BEC85BF

Status: Completed

Subject: Complete with DocuSign: 2023 08 10 17986 Cannery Station\_General Application\_Planning Extension...

Source Envelope:

Document Pages: 2

Signatures: 2

Envelope Originator:

Certificate Pages: 4

Initials: 0

Peter Englander

AutoNav: Enabled

peterenglander@aumus.com

EnvelopeId Stamping: Enabled

IP Address: 73.83.43.33

Time Zone: (UTC-08:00) Pacific Time (US &amp; Canada)

**Record Tracking**

Status: Original

Holder: Peter Englander

Location: DocuSign

8/10/2023 1:00:54 PM

peterenglander@aumus.com

**Signer Events**

Chuck McGlade

cmcglade@ridgelineinc.com

Security Level: Email, Account Authentication  
(None)**Signature**

DocuSigned by:



CBC967B3359D451...

Signature Adoption: Pre-selected Style

Using IP Address: 50.225.33.106

Signed using mobile

**Timestamp**

Sent: 8/10/2023 1:04:51 PM

Resent: 8/11/2023 4:12:13 PM

Viewed: 8/11/2023 4:19:40 PM

Signed: 8/11/2023 4:19:55 PM

**Electronic Record and Signature Disclosure:**

Accepted: 8/11/2023 4:19:40 PM

ID: f6b4dc53-6c3a-4327-9fdb-8203d1a90d65

**In Person Signer Events****Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

daniel Klute

dpklute@gma-arch.com

Security Level: Email, Account Authentication  
(None)**COPIED**

Sent: 8/10/2023 1:04:51 PM

Viewed: 8/10/2023 2:39:41 PM

**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

**Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

8/10/2023 1:04:51 PM

Certified Delivered

Security Checked

8/11/2023 4:19:40 PM

Signing Complete

Security Checked

8/11/2023 4:19:55 PM

Completed

Security Checked

8/11/2023 4:19:55 PM

**Payment Events****Status****Timestamps****Electronic Record and Signature Disclosure**

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Peter Englander (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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To contact us by email send messages to: [peterenglander@aumus.com](mailto:peterenglander@aumus.com)

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- ii. send us an email to [peterenglander@aumus.com](mailto:peterenglander@aumus.com) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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- You can access and read this Electronic Record and Signature Disclosure; and
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- Until or unless you notify Peter Englander as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Peter Englander during the course of your relationship with Peter Englander.

**STAFF REPORT & FINDINGS OF FACT  
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT  
Exhibit "A"**

Department

SB

**Date of Report:** August 16, 2022

**Planner:** Henry Hearley, LCOG

**Application:** AR 21 20 DR 03

**Related Files:** PC 21 20 SUB 01; PC 21 12 EAP 02; PC 18 12 PUD 01; PC 18 33 PUD 02; & PC 18 34 SUB 01

**I. PROPOSAL DESCRIPTION**

**Proposal:** An application for an Administrative Design Review for attached transitional cottages on Lots 3 & 4 of Cannery Station PUD (Phase 1).

**Applicant:** Chuck McGlade

**Representative:** Peter Englander

**Property Owner:** Cannery Station Development, LLC

**Location:** 87344 Munsel Lake Rd.  
Assessor's Map 18-12-14-20, Tax Lot 00700

Lots 3 & 4, Cannery Station (Phase 1), NE of future intersection of 47<sup>th</sup> St and Spruce St. extension

**Comprehensive Plan Map Designation :** North Commercial Node

**Zone Map Classification:** North Commercial District

**Surrounding Land Use / Zoning/ Street Classification:**

	Use(s)	Zoning	Comp. Plan Designation	Streets / TSP Classification
<b>Site</b>	Vacant	North Commercial District	North Commercial Node	Future extension of Spruce St./ Local
<b>N</b>	Vacant, Undeveloped	North Commercial District	North Commercial Node	Munsel Lake Rd/Minor Arterial
<b>S</b>	Church	North Commercial District	North Commercial Node	N/A

<b>E</b>	Florentine Estates (Single-Family Detached Dwellings)	Medium Density Residential	Medium Density Residential	N/A
<b>W</b>	Fred Meyer, Commercial Retail	North Commercial District	North Commercial Node	US Hwy 101/Major Arterial

## II. BACKGROUND/NARRATIVE

This Design Review request is linked to the most recent approval of PC 21 20 SUB 01: the Cannery Station PUD Phase 1 final subdivision approved August 24, 2021. PC 21 12 EAP 02, approved August 10, 2021, extended a prior approval of the overall development, PC 18 33 PUD 02 and PC 18 34 SUB 01 for the final PUD and Phase 1 tentative subdivision plan which will expire May 25, 2023.

The overall PUD includes an assisted living facility, 10 transitional cottages, 2 commercial buildings, and one apartment building.

The current Administrative Design Review application was received on October 19 2021. The application was deemed complete on November 1, 2021

## III. NOTICES & REFERRALS

**Notice:** Noticing was performed in accordance with FCC 10-1-1-6-D. Notice was sent to surrounding property owners within 100 feet of the property on November 30, 2021.

The City received one public testimony letter dated December 14, 2021, from Jason Nelson, General Manager, on behalf of the Board of Directors for the Florentine Estates Homeowners Association. This HOA is located east of the Cannery Station property. This letter, (Exhibit E), details the history of concerns the HOA has had with the lack of landscaping and fencing which has yet to be installed. Mr. Nelson reflects that it was the HOA's understanding that these would be installed much earlier, but once the clearing had been done on the Cannery Station property the area experienced foot traffic and camping which had not been an issue prior.

**Referrals:** Referrals were sent on November 4, 2021 to the Florence Building Department, Siuslaw Valley Fire and Rescue, and Florence Public Works.

As of this writing, the City has not received any referral comments.

## IV. APPLICABLE REVIEW CRITERIA

### Florence City Code, Title 10:

Chapter 1: Zoning Administration: Section: 10-1-1-6-2 B.4

Chapter 6: Design Review: Sections: 10-6-3 B.1-3; 10-6-4; 10-6-5-2 A, B, C, D, E, G



Chapter 30: North Commercial District: Sections 10-30-2; 10-30-2; 10-30-5 A, B, C 1 & 2, D 1-3, E, F, G, H, I, J, K 1 & 2, L 1, M, N 1 & 2.  
Chapter 34: Landscaping: Sections 10-34-3-1-A; 10-34-3-2 A, B, C, D, E, F, G; 10-34-3-3 A 1-5; 10-34-3-4 A 1-4 B, C, D.  
Conditions of Approval for Resolution PC 18 12 PUD 01

## V. FINDINGS

The criteria are listed in bold followed by the findings of fact.

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### FLORENCE CITY CODE

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#### TITLE 10: CHAPTER 1: ADMINISTRATIVE REVIEW

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##### 10-1-1-6-2: TYPE II REVIEWS – ADMINISTRATIVE REVIEWS:

- A. **The Planning Director, or designated planning staff may make administrative decisions (limited land use). The Type II procedure is used when there are clear and objective approval criteria and applying City standards requires limited use of discretion.**
- B. **Type II (Administrative) Decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to the following:**
  - 4. **An increase in residential density by less than 10 percent, provided the resulting density does not exceed that allowed by the land use district.**

Subsequent design reviews as part of the Cannery Station can be done administratively as is provided for in the conditions of approval that were adopted with approval of the Cannery Station overall PUD. The nature of the proposed townhomes not only represent a mixed-use residential component, which is encouraged in FCC 10-23-5 H 6 through the Planned Unit Development process, but they also represent an accessory use as they relate directly to the approved assisted living facility to be located on Lot 2 of Phase 1 of the development. Earlier approvals include townhouse units located on this same lot, directly east of the proposed assisted living development.

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#### TITLE 10: CHAPTER 6: DESIGN REVIEW

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##### 10-6-3: GENERAL APPLICABILITY:

[...]

- B. **The Planning Director or designee shall:**

1. Unless otherwise directed by the underlying zoning district, review the following through a Type II process consistent with FCC 10-1-1-6-2 prior to issuance of a building permit:
  - iii. Residential development in a building containing a non-residential use in the Commercial and North Commercial Districts.
2. Determine whether the proposed development meets applicable design standards listed in Section 10-6-5-2; and,
3. Have authority to impose conditions for approval to meet applicable standards.

This design review will be processed as a TYPE II design review consistent with FCC 10-1-1-6-2, prior to the issuance of building permits. Criterion met.

**10-6-4: DRAWINGS TO BE APPROVED:** No permit for a new use, structure or exterior alteration or enlargement of an existing use or structure that is subject to design review, as prescribed in this Title, shall be issued until the drawings required by this Chapter have been approved by the Planning Commission, Planning Director, or their designee.

The drawings submitted by the applicant for a TYPE II design review of Lots 3 and 4 for the Cannery Station PUD (Phase 1), will be reviewed appropriately and subject to applicable approval criteria and design standards FCC. Prior to the issuance of building permits, the drawings will be approved, as conditioned and discussed in this report and the accompanying findings.

**10-6-5-2: GENERAL STANDARDS FOR RESIDENTIAL DEVELOPMENT:** Residential projects and mixed-use buildings with a residential component shall meet the following standards. The Planning Director shall approve or approve with conditions the proposed development based on compliance with the following standards:

- A. Setbacks, yards, height, density, lot area, dimensions, percentage of coverage, and similar design features according to the underlying zoning district.

The specific lot standards for Lots 3 and 4 will be discussed in this report under Title 10: Chapter 30: North Commercial District. These criteria will be met.

- B. Design standards set forth in FCC 10-10 for the proposed residential type, if applicable, except buildings with residential uses in the Old Town or Main Street Districts shall meet Downtown Architectural Design Standards of 10-6-6 subsections: 3-C, 4 and 5 as implemented by the Comprehensive Plan, Multi-family dwellings and mixed-use buildings with a residential component located in any zone other than Old Town or

**Mainstreet Districts shall comply with the Multi-Family Dwelling Standards in FCC 10-10-9.**

The applicable design standards set forth in FCC 10-10 for the proposed residential type will be discussed in this report under the applicable design review sections. The proposed buildings are not located in the Old Town or Main Street Districts. These criteria will be met.

**C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.**

Installation and maintenance of fences, walls, hedges, screens and landscaping standards will be discussed in this report under FCC 10-34. These criteria will be met.

**D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.**

The proposed location and design of access and egress points for vehicles and pedestrians is addressed under the findings for FCC 10-35, later in this report. In short, all access has been conditionally approved through the final Planned Unit Development process. All that remains in relation to this proposal, is the driveway access from Spruce St., which in itself has been reviewed and will be installed prior to development of the proposed townhomes and discussed below.

**E. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.**

Parking and outside display areas, dimensions, surfacing and on-site traffic circulation has been addressed as part of the Cannery Station PUD. Parking for Lots 3 and 4 will be provided for in the form of one single-family driveway parking spot for each lot. Criterion addressed.

**G. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities, or issuance of a performance bond or suitable substitute as agreed upon by the City has been filed with the City in an amount sufficient to assure the completion of all required public facilities and infrastructure.**

Provisions of public facilities and infrastructure according to standards set forth in FCC 10-36 have already been reviewed and approved by the Florence Public Works Department. Criterion met.

**10-6-11: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a either a**

**Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:**

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

**The Planning Commission may deny the request for an extension of a design review permit if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)**

In accordance with FCC 10-6-11, this Design Review approval will expire on September 8, 2023, one year after approval, unless substantial construction has taken place. [Condition 7]

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## **TITLE 10: CHAPTER 30: NORTH COMMERCIAL DISTRICT**

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**10-30-2: PERMITTED BUILDINGS AND USES: The following uses shall be permitted subject to the procedures and conditions set forth in Chapters 1 and 6 (Design Review) of this Title:**

**Planned unit development – mixed use**

**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**

The building setback standards applies to buildings that abut to Highway and Other Arterials. The two proposed transitional cottages are not a Highway or Other Arterials; the buildings abut Spruce Street, which is proposed to be a Local Street. Nonetheless and to the extent the criterion is applicable, the proposed buildings will be setback approximately 7'-9" from the property line. As seen under Keynote #3 on Sheet A100, the applicant has an approved encroachment variance via preliminary and final PUD. Criterion addressed.

- B. Setback from Side Streets: Minimum of 15', the front 10' of which shall be landscaped.**

The two proposed transitional cottages are not adjacent to a side street. Criterion not applicable.

**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 Restricted Residential, Single Family Residential or Mobile/Manufactured Home, a 35' building setback shall be provided. Non-vertical elements such as parking or circulation may be located within the 35' setback.**

**2. When the abutting district is zoned Multiple Family Residential, a 35' building setback shall be provided. Non-vertical elements such as parking or circulation facilities may be located within the 35' setback.**

The proposed buildings will be setback approximately 7'-9" from the property line. As seen under Keynote #3 on Sheet A100, the applicant has an approved encroachment variance via preliminary and final PUD. Further, as indicated in Resolution PC 18 12 PUD 01 (Exhibit D), decks and associated staircases that abut Florentine Estates 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. As seen on Sheet A100, the two proposed decks for lots 3 and 4 do not extend more than 6' into the setback and the decks will not exceed the 8' above grade from the lowest point on the eastern property line. The 15' buffer requirement as alluded to in Condition 18 is addressed by Open Space Tract C, which is not part of the design review for Lots 3 and 4. Criterion addressed.

**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.**

As seen on Sheet LA-1, the entire area between Spruce Street and the two transitional cottages are proposed to be landscaped. Criterion met.

**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.**

As seen under the General Notes on Sheet A100, approximately 36 percent of the entire site will be landscaped. No preservation credit has been proposed. The applicant's landscape architect has submitted a landscape plan as seen on Sheet LA-1. Criterion met.

**3. When the abutting district is zoned Restricted Residential, Single Family Residential or Mobile/Manufactured Home, 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.**

An 8' high solid fence between Florentine Estates and the project site is proposed to be constructed along the entire length of the eastern property boundary. The necessity of the fence was discussed and conditioned in the findings for the Cannery Station PUD. Criterion met.

**E. Parking: Shall be in accordance with Chapter 3 of this Title.**

**F. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)**

Parking and signs have been addressed as part of the Cannery Station PUD. Criteria not applicable to Lots 3 and 4.

**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.**

As part of Resolution PC 18 12 PUD 01, the Planning Commission granted approval to modify and adjust the minimum lot widths and lot sizes of Lots 3 and 4 to permit minimum lot widths of not less than 30 feet and minimum lot depths not less than 48 feet. As seen on Sheet A100, the lot width and sizes of Lots 3 and 4 meet the modified size and width. Criterion met.

**I. Height Limitations: The maximum building or structural height shall be 38', except that the maximum height for structures immediately abutting any Restricted Residential District, Single Family District or Mobile/Manufactured Home District shall be 28'.**

The maximum height of the two transitional cottages is 16'-2". Criterion met.

**J. Vision Clearance: The requirements of Section 10-35-2-14 of this Title must be met.**

The two proposed transitional cottages do not involve a vision clearance triangle of a street and a driveway or a street intersection, as seen in Figure 10-35(4). There are no proposed obstructions of the clear vision area as outlined in 10-35-2-14. Criterion met.

**K. Screening:**

**1. Areas approved for outdoor storage shall be screened by a combination of landscaping and a solid fence or wall a minimum of 6' in height. Chain link with slats is not acceptable.**

There is no outdoor storage proposed. Criterion not applicable.

- 2. Any trash or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum 5' high solid wood fence or block wall with a solid wood or metal gate. Chain link with slats is not acceptable.**

There are no outside trash or waste receptables proposed. Criterion not applicable.

- 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.**

Driveway access is not proposed from Highway 101. Driveway access is proposed via Spruce Street, which will be a newly constructed local street within the Cannery Station PUD. Each lot will have its own driveway associated with the respective transitional cottage. Criterion not applicable.

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

Provisions of public facilities and infrastructure according to standards set forth in FCC 10-36 have already been reviewed and approved by the Florence Public Works Department. Criterion met.

- 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.**

While not located on the subject lots (Lots 3 & 4), the Cannery Station PUD proposes several open space opportunities that meet the above requirements. As seen on Sheet G001, Lots 3 and 4 will be encompassed by Open Space Tracts B and C, both of which will be landscaped. Criterion met.

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**TITLE 10: CHAPTER 34: LANDSCAPING**

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

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

The applicant's landscape architect has submitted a landscape plan as part of the submittal for design review. See Sheet LA-1.

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

- A. The location and height of existing and proposed fences and walls, buffering or screening materials.**
- B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.**
- C. The location, size, and species of the new proposed plant materials (at time of planting).**
- D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.**
- E. Existing and proposed building and pavement outlines.**
- F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.**
- G. Other information as deemed appropriate by the City Planning Official.**

The landscape plan (Sheet LA-1) contains the necessary information for the City Planning Official to review the proposal for consistency with the applicable design review standards. Criterion met.

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

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



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

As seen on Sheet LA-1, there are two Autumn Blaze Maple trees proposed on the planter strip in between the two transitional cottages and the street. The two Autumn Blaze Maple trees meet the required spacing of one tree per 30 lineal feet. Criterion met.

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

As seen on Sheet LA-1, the planter strip and the area immediately in front of the two transitional cottages is proposed to be heavily landscaped with grasses and groundcover, including ten Physorcapus capitatus shrubs, eight Mahonla aquifollum shrubs. Criterion met.

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

The site is proposed to contain 36 percent landscaping. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting. [Condition 3]

- 4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be 2 Mainstreet District (FCC 10-27) and Old Town District, Area A and B (FCC 10-17A and 10-17B) require 10% of the gross lot area to be landscaped. 5 installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.**

As seen on Sheet LA-1, the required plant materials on-site will be located in areas within the first 20 feet of any lot line that abuts a street. Criterion met.

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

The applicant shall provide pocket-planting with a soil-compost blend around plants and trees to ensure healthy growth per FCC 10-34-3-3 A 5. [Condition 4]

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

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

As seen in the Plant Schedule on Sheet LA-1, a majority of the trees, shrubs and ground covers proposed to be used on the site, are included in the City's Tree and Plant List. Criterion met.

1. **Ground Cover.** Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.
2. **Shrubs.** Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the *Tree and Plant List for the City of Florence*.
3. **Trees.** Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).
4. **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.

The applicant shall follow the planting standards for ground cover, shrubs, trees and non-plant ground cover, as listed in FCC 10-34-3-4(A)(1-4). [Condition 5]

- B. Existing Native Vegetation.** Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter
- 10-34-3-5: Irrigation.** Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

The applicant is not proposing an existing native vegetation preservation credit. Criterion not applicable.

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

The applicant is not proposing any hardscape features to be counted towards the required landscaping area. Criterion not applicable.

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

Stormwater facilities are not proposed to be on site; stormwater is conveyed to a pond to the south. If stormwater facilities end up being constructed on the site, the facilities shall be required to be landscaped in accordance with FCC 10-34-3-4(D). [Condition 6]

---

**VI. Conclusion:**

Staff finds the application, as presented meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met:

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**VII. Conditions of Approval:**

1. Approval shall be shown on:

"A" Findings of Fact
"B" Application
"C" Design Review Drawings
"D" Resolution PC 18 12 PUD 01

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. **Any modifications to the approved plans** or changes of use, except those changes relating to the structural integrity or ADA access which are regulated by Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

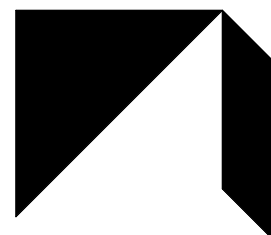
2. Regardless of the content of material presented for this approval, including application text and exhibits, staff reports, testimony and/or discussions, the property owner/applicant agree to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal action as documented by the records of this decision and/or the associated Conditions of Approval. The property owner and applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of building permits.
3. The site is proposed to contain 36 percent landscaping. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.
4. The applicant shall provide pocket-planting with a soil-compost blend around plants and trees to ensure healthy growth per FCC 10-34-3-3 A 5
5. The applicant shall follow the planting standards for ground cover, shrubs, trees and non-plant ground cover, as listed in FCC 10-34-3-4(A)(1-4).
6. Stormwater facilities are not proposed to be on site; stormwater is conveyed to a pond to the south. If stormwater facilities end up being constructed on the site, the facilities shall be required to be landscaped in accordance with FCC 10-34-3-4(D).
7. In accordance with FCC 10-6-11, this Design Review approval will expire on September 8, 2023, one year after approval, unless substantial construction has taken place.

## VII. EXHIBITS

- A. Findings of Fact
- B. Land Use Application
- C. Architecture Sheets
- D. Resolution PC 18 12 PUD 01

APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, this 14<sup>th</sup> day of September, 2022.

  
Wendy Farley Campbell, AICP  
Planning Director



GMA ARCHITECTS  
860 West Park Street / Ste 300  
Eugene / Oregon / 97401  
p 541.344.9157  
gma-arch.com

NOT FOR  
CONSTRUCTION

REVISIONS

CANNERY STATION - LOT 3&4 - TCH

FLORENCE OREGON 97439  
DESIGN REVIEW

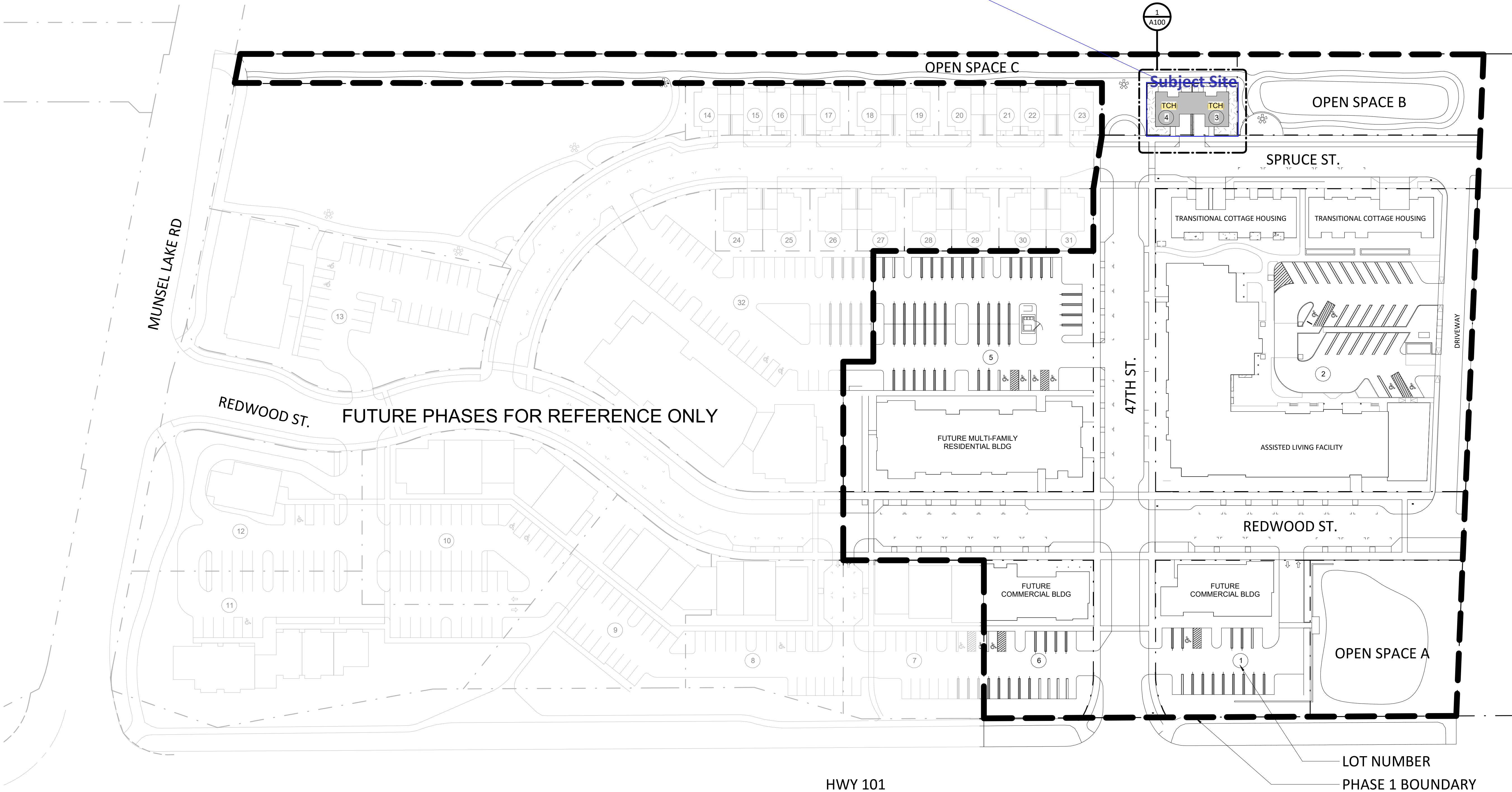
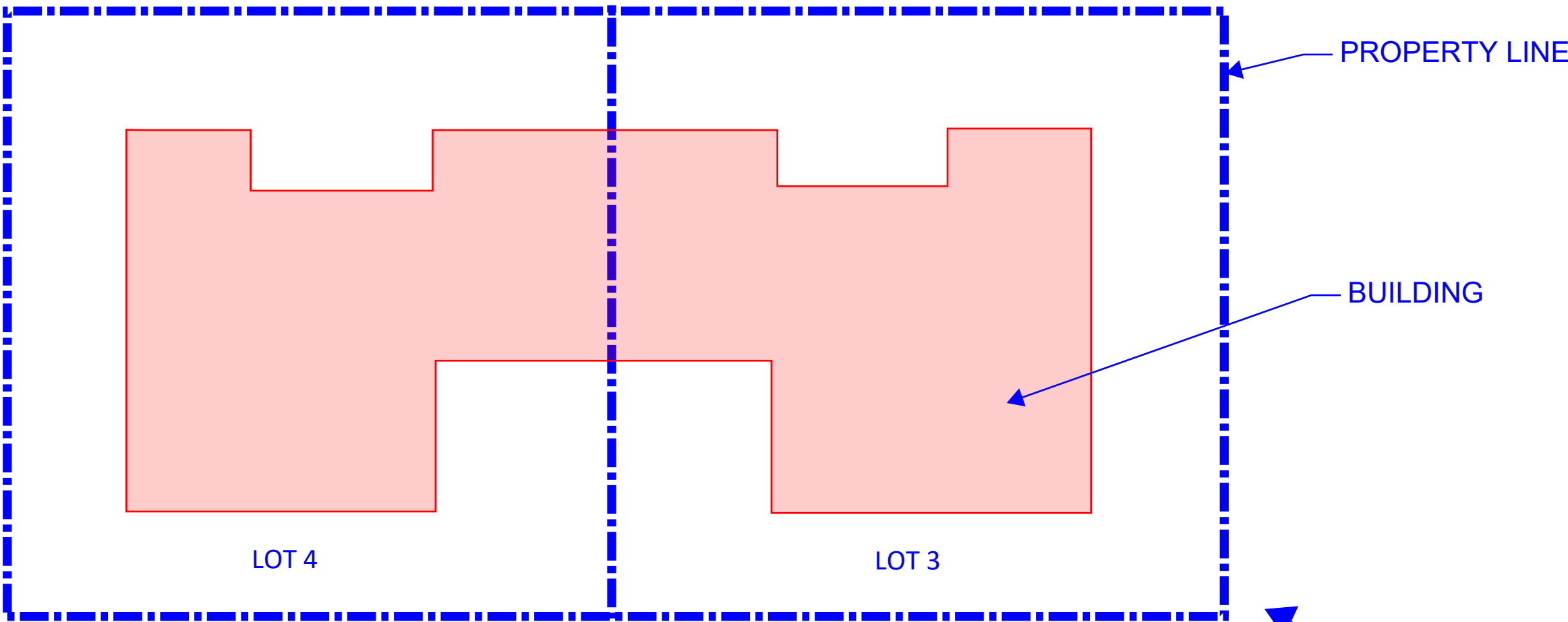
JOB NO: 17986  
ISSUE DATE: 15 OCT 2021

CANNERY  
STATION  
DEVELOPMENT

A001

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# Exhibit D



1 OVERALL SITE PLAN  
1" = 50'-0"

10/19/2021 10:02:36 B:\1860\17986 Cannery Station\17986 Cannery Station\_RVT.DWG Lot 3&4.rvt  
P:\

## CITY OF FLORENCE PLANNING COMMISSION

### RESOLUTION PC 18 33 PUD 02 & PC 18 34 SUB 01

A REQUEST FOR PHASE 1 FINAL PUD AND TENTATIVE SUBDIVISION APPROVAL FOR CANNERY STATION, A MULTI-USE PLANNED UNIT DEVELOPMENT, LOCATED AT THE SOUTHEAST CORNER OF HIGHWAY 101 AND MUNSEL LAKE ROAD.

**WHEREAS**, application was made by Chuck McGlade, MD., Bryan Cavaness of American United, and Kristen Taylor of TBG Architects, representing Cannery Station LLC, for a Phase 1 Final PUD approval as required by Florence City Code 10-1-1-5, 10-23-1, 11-3-1 & 11-3-2; and

**WHEREAS**, the Planning Commission/Design Review Board met in a public hearing on March 12, 2019 and April 9, 2019, as outlined in Florence City Code 10-1-1-6-3 & 10-23-11 to consider the application, evidence in the record, and testimony received, and

**WHEREAS**, the Planning Commission/Design Review Board determined per FCC 10-1-1-5, 10-23-11, and 11-3-4 after review of the application, testimony and evidence in the record, that the application meets the criteria through compliance with certain Conditions of Approval; and

**WHEREAS**, the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact, staff recommendation and evidence and testimony presented to them, that the application meets the applicable criteria.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for a preliminary PUD approval for Cannery Station Planned Unit Development meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

#### Conditions of Approval:

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

Approval shall be shown on:

Exhibit	Sheet / Attachment	Title/Description	Submission Date
A	-	Findings of Fact	
A1.1	-	Findings of Fact – Cannery Station Final PUD Resolution PC 18 33 PUD 02 Revised Findings of Fact – Cannery Station Phase 1 Final PUD	March 5, 2019 Rev. March 6, 2019 April 8, 2019



A2.1	-	<b>Findings of Fact – Cannery Station Tentative Subdivision</b> Revised Findings of Fact – Cannery Station, Phase 1 Tentative Sub.	March 5, 2019 Revised April 8, 2019
A6.0	-	Exhibit List – Resolutions PC 18 33 PUD 02, PC 18 34 SUB 01, PC 18 35 DR 03, PC 18 40 DR 08, PC 18 41 DR 09	March 5, 2019 Rev. March 6, & April 9 & 22nd 2019
<b>B</b>	-	<b>Applications, Application Narratives</b>	-
B1.0	-	Applications – Final PUD, Tentative SUB, and Lot 2 DRs	Sept. 19, 2018
B2.1	-	Application Narrative – Final PUD and Tent. SUB	Feb. 8, 2019
B2.2	-	Application Narrative – Final PUD and Tent. SUB	Dec. 10, 2018
B2.3	-	Application Narrative – Final PUD and Tent. SUB	Sept. 19, 2018
B2.4	-	Application Narrative – Lot 2 DRs	Feb. 8, 2019
B2.5	-	Application Narrative – Lot 2 DRs	Dec. 10, 2018
B2.6	-	Application Narrative – Lot 2 DRs	Sept. 19, 2018
B2.7	A	Tax Assessor’s Map	Dec. 10, 2018
B2.8	B	Legal Description	Dec. 10, 2018
B2.9	C	Property Deed	Dec. 10, 2018
B2.10	D	Property Title	Dec. 10, 2018
<b>C</b>		<b>Application Attachments</b>	-
C1.1	E	Wetland Determination dated July 11, 2018	Sept. 19, 2018
C1.2.1	J	City of Florence Phase I Site Investigation Report, dated December 10, 2018	Dec. 10, 2018
C1.2.2	J	City of Florence Phase I Site Investigation Report, dated April 10, 2018	Sept. 19, 2018
C1.3	N (Prev. L)	Infiltration: Wetland W-E, Technical Memorandum, KPFF Engineering, dated October 22, 2018	Dec. 10, 2018
C2.1	F	Cannery Station Traffic Impact Analysis, dated July 26, 2018, Updated January 23, 2019 [REPLACEMENT]	Feb. 8, 2019
C2.2	G	Cannery Station Final PUD Phase 1 Traffic Review Tech Memo, dated September 7, 2018	Sept. 19, 2018
C2.3	H	ODOT Completeness Determination: Application Deemed Complete Letter, dated August 16, 2018	Sept. 19, 2018

C2.4	I	ODOT Revised Cannery Station PUD (Florence) TIA Review Comments Letter, dated July 31, 2018	Sept. 19, 2018
C2.5	O (Prev. M)	ODOT, Notice of Conditional Approval for State Highway Approach, Without Permission to Construct, dated Sept. 7, 2018	Sept. 19, 2018
C2.6	R	Lane County Access Permit application (January 24, 2019) [REPLACEMENT]	Feb. 8, 2019
C3.1	P	Stormwater Report, KPFF Engineering (December 2018 (Revised)) and Memorandum, Stormwater Drainage: Lot 2 ALF/MC (January 15, 2019) [REPLACEMENT]	Feb. 8, 2019
C3.2	Q (Prev. O)	Operations and Maintenance Plan (for stormwater facilities), KPFF Engineering, dated December 5, 2018	Feb. 8, 2019
C4.1	K	Signed City of Florence Agreement of Acceptance	Sept. 19, 2018
C4.2	L	Florence Comprehensive Plan Findings	Dec. 10, 2018
C4.3	M	Draft Cannery Station CC&Rs	Dec. 10, 2018
<b>D</b>	-	<b>Subdivision Drawings</b>	-
D1.1	COV	Phase 1 – Final PUD/Tent. Subdivision Cover Sheet	Feb. 8, 2019
D1.2	COV	Phase 1 – Lot 2 – Design Review Cover Sheet	Feb. 8, 2019
D2.1	-	Tentative Subdivision	Feb. 8, 2019
D2.2	-	Tentative Subdivision – Cannery Station, Phase 1	Feb. 8, 2019
D2.3	A0.02	Preliminary PUD Conditions of Approval (PC 18 12 PUD 01)	Feb. 8, 2019
<b>E</b>	-	<b>Design Review Site Plans</b>	-
E1.1	A0.10	Phase 1 Site Plans	Feb. 8, 2019
E1.2	A0.20	Phase 1 Open Space Plan	Feb. 8, 2019
E1.3	A0.30	Phase 1 Parking Plan	Feb. 8, 2019
E2.1	A1.00	Lot 1 Site Plan	Feb. 8, 2019
E2.2	A1.10	Lot 1 Elevations and Floor Plan	Feb. 8, 2019
E3.1	A2.00	Phase 1 – Lot 2 – Design Review Site Plan	Feb. 8, 2019
E3.2	A2.10	Phase 1 – Lot 2 – Ground Floor Plan	Feb. 8, 2019
E3.3	A2.11	Phase 1 – Lot 2 – Level 2/3 Floor Plan	Feb. 8, 2019



E3.4	A2.12	Phase 1 – Lot 2 – ALF Unit Types	Feb. 8, 2019
E3.5	A2.13	Lot 2 – ALF Exterior Elevations	Feb. 8, 2019
E3.6	A2.14	Lot 2 – ALF Exterior Elevations	Feb. 8, 2019
E3.7	A2.20	Lot 2 – Cottage North	Feb. 8, 2019
E4.1	A3.00	Lot 3 & 4 – Site Plan	Feb. 8, 2019
E4.2	A3.10	Lot 3 & 4 – Elevations and Floor Plan	Feb. 8, 2019
E5.1	A5.00	Lot 5 – Site Plan	Feb. 8, 2019
E5.2	A5.13	Lot 5 – Elevations	Feb. 8, 2019
E5.3	A5.14	Lot 5 – 3D Views	Feb. 8, 2019
E6.1	A6.00	Lot 6 – Site Plan	Feb. 8, 2019
E6.2	A6.10	Lot 6 – Elevations and Floor Plan	Feb. 8, 2019
<b>F</b>	-	<b>Civil Plans</b>	-
F1.1	C1.0	Existing & Off-Site Conditions Plan	Dec. 10, 2018
F1.2	C2.0	Grading Plan	Feb. 8, 2019
F1.3	C3.0	Utility Plan	Feb. 8, 2019
F1.4	C3.01	Utility Plan – Lot 2	Feb. 8, 2019
F1.5	C3.1	Water Plan	Feb. 8, 2019
F1.6	C3.2	Storm Drainage Plan	Feb. 8, 2019
F1.7	C3.3	Sewer Plan	Feb. 8, 2019
F1.8	C5.01	Grading & Drainage – Lot 2	Feb. 8, 2019
F2.1	C6.0	Street Plan	Feb. 8, 2019
F2.2	C6.1	Street Typical Sections	Feb. 8, 2019
F2.3	C6.2	Street Intersection Details/Sections	Feb. 8, 2019
F2.4	C6.3	Street Intersection Details/Sections	Feb. 8, 2019
F2.5	C6.4	Turning Movement Details	Feb. 8, 2019
F3.1	C7.0	Conceptual Stormwater Treatment Plan	Feb. 8, 2019
F3.2	C7.1	Stormwater Treatment Options	Dec. 10, 2018
<b>G</b>	-	<b>Landscaping Plans</b>	-
G1.1	LA-1	Ex. Vegetation Plan	Dec. 10, 2018
G1.2	LA-2	Landscape Master Plan	Feb. 8, 2019
G1.3	LA-2	Landscape Master Plan – Lot 2	Feb. 8, 2019
G1.4	LA-3	Lot 1 Landscape Plan	Feb. 8, 2019
G1.5	LA-4	Lot 2 Landscape Plan	Feb. 8, 2019
G1.6	LA-4	Lot 2 Landscape Plan	Feb. 8, 2019
G1.7	LA-5	Lots 3 & 4 Landscape Plan	Feb. 8, 2019

G1.8	LA-6	Lot 5 Landscape Plan	Feb. 8, 2019
G1.9	LA-7	Lot 6 Landscape Plan	Feb. 8, 2019
G2.0	LA-8	Plant Lists and Details	Feb. 8, 2019
<b>H</b>	-	<b>Lighting Plans</b>	-
H1.1	LG1.0	Overall Photometric Lighting Plan	Feb. 8, 2019
H1.2	Q	Lighting Cut Sheets (Submitted as part of PUD application)	Dec. 10, 2018
<b>I</b>	-	<b>Referral Comments</b>	-
I1.1	-	Civil West Comments	Jan. 11, 2019
I1.2	-	Civil West Comments	Jan. 16, 2019
I1.3	-	Civil West Detention Worksheet	Jan. 16, 2019
I1.4	-	Civil West Comments	Feb. 26, 2019
I1.5	-	Civil West Comments	March 27, 2019
I2.1	-	JRH Response to Sandow	Jan. 20, 2019
I2.2	-	JRH Completeness Review	Oct. 18, 2019
I3.1	-	Lane County Comments	Jan. 14, 2019
I3.2	-	Lane County Comments	Feb. 6, 2019
I3.3	-	Lane County Comments	Feb. 6, 2019
I4.1	-	ODOT Response Form	Oct. 19, 2018
I4.2	-	ODOT Conditional Approval	Sept. 7, 2018
I4.3	-	ODOT Ped Crossing Requirement	March 8, 2019
I4.4	-	ODOT Updated TIA 01-23-19	March 8, 2019
I4.5	-	ODOT Ped Crossing Requirement Supplemental	April 2, 2019
I5.1	-	SVFR Comments	Aug. 31, 2018
I5.2	-	SVFR Comments	Oct. 17, 2018
I5.3	-	SVFR Comments	Dec. 18, 2019
I6.1	-	PW Comments	March 5, 2019
I6.2	-	PW Comments	April 9, 2019
<b>K</b>	-	<b>Applicant Memo-Conditions of Approval Response</b>	-
K1.1	-	Final PUD & Tentative Subdivision	April 3, 2019
K2.1	-	Lot 2 Design Review	April 3, 2019
K3.1	-	Proposed Alternate Conditions of Approval	April 9, 2019

Findings of Fact attached as Exhibit "A1.1" & "A2.1" are incorporated by reference and adopted in support of this decision.

- 1) Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board. **(Final PUD and Tentative Subdivision Condition of Approval)**
- 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. **(Final PUD and Tentative Subdivision Condition of Approval)**
- 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 mat.**(Tentative Subdivision Condition of Approval)**
- 4) 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. **(Tentative Subdivision Condition of Approval)**
- 5) 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. **(Tentative Subdivision Condition of Approval)**
- 6) Condition Deleted

- 7) 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. **(Final PUD Condition of Approval)**
- 8) 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. **(Tentative Subdivision Condition of Approval and Final PUD Condition of Approval)**
- 9) Condition Deleted
- 10) 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. The stormwater basin sides shall be constructed with non/low permeable material. **(Tentative Subdivision Condition of Approval)**
- 11) Condition Deleted
- 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. **(Final PUD Condition)**
- 13) The Public Works Department is concerned about damage to the streets from the continued development as it is unlike a residential subdivision. 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. **(Tentative Subdivision Condition)**
- 14) a. 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.

b. 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.

c. 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.  $6.912 \text{ Lot 2 trips} * 2012 \text{ trip cost } \$223.24 = \$1,543.04$ )

**(Final PUD and Tentative Subdivision Condition of Approval)**

15) 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). **(Tentative Subdivision Condition of Approval)**

16) 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 prior to construction. **(Final PUD condition of approval)**

17) Condition DELETED.

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

19) 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. **(Final PUD Condition of Approval)**

- 20) 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. **(Final PUD Condition of Approval)**
- 21) 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. **(Final PUD and Tentative Subdivision Condition of Approval)**
- 22) 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 47<sup>th</sup> Street. The applicant shall include the ownership of the street rights-of-way on the final plat. **(Tentative Subdivision Condition of Approval)**
- 23) 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. **(Tentative Subdivision Condition of Approval)**
- 24) 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. **(Tentative Subdivision Condition of Approval)**
- 25) 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. **(Tentative Subdivision Condition of Approval)**
- 26) Crosswalks shall be designated with striping and crossbar at intersections and travel lanes shall have sharrow markings as required by Public Works. **(Tentative Subdivision Condition of Approval)**



27)Condition Deleted.

28)Condition Deleted.

29)Condition Deleted

30)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. **(Tentative Subdivision Condition of Approval)**

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. **(Tentative Subdivision Condition of Approval)**

32)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. **(Tentative Subdivision Condition of Approval)**

33)Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative. **(Tentative Subdivision Condition of Approval)**

34)Any fence, wall, or hedge installed for screening or buffering purposes shall be well-kept and maintained. **(Final PUD Condition of Approval)**

35)Perimeter sides of drainage basins/ponds shall be constructed with a non/low-permeable material in order to prevent infiltration through the berm and onto neighboring properties. **(Tentative Subdivision Condition of Approval)**

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 9<sup>th</sup> day of April, 2019.

  
JOHN MURPHEY, Chairperson  
Florence Planning Commission

4-23-19  
DATE

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 23 05 EAP 03**

A REQUEST BY CHUCK MCGLADE, REPRESENTED BY PETER ENGLANDER, ON BEHALF OF CANNERY STATION DEVELOPMENT, LLC FOR AN EXTENSION OF APPROVAL OF THE PORTION OF RESOLUTION PC 18 33 PUD 02 & PC 18 34 SUB 01, THE PHASE 1 RELATED TO TENTATIVE SUBDIVISION PLAN, LOCATED AT THE SE INTERSECTION OF MUNSEL LAKE RD. AND HIGHWAY 101, MAP # 18-12-14-20, TL 00700 AND ZONED NORTH COMMERCIAL DISTRICT.

**WHEREAS**, application was made by Chuck McGlade, represented by Peter Englander, on behalf of Cannery Station Development, LLC for an extension of the portion of Resolution PC 18 33 PUD 02 and PC 18 34 SUB 01 related to Phase 1 Tentative Subdivision Plan of the Final PUD of Phase 1, Cannery Station; as required by FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-23-14 and 11-3-6; and

**WHEREAS**, the Planning Commission met in a duly-advertised public hearing on July 25, 2023, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

**WHEREAS**, the Planning Commission of the City of Florence, per FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-23-14 and 11-3-6, finds, based on the Findings of Fact, application, staff recommendation, evidence, and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for the extension of the portion of Resolution PC 18 33 PUD 02 and PC 18 34 SUB 01, for a Tentative Subdivision Plan for Phase 1 of Cannery Station meets the applicable criteria in Florence City Code with the conditions of approval as listed below.

**Conditions of Approval:**

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

Approval shall be shown on conditions of approval as supported by the following record:

"A"	Findings of Fact
"B"	Land Use Application & Extension Request
"C"	PC 18 33 PUD 02 & PC 18 34 SUB 01 <i>(without exhibits)</i>
"D"	Resolution PC 18 33 PUD 02 & PC 18 34 SUB 01 <i>(without exhibits)</i>



Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision.

1. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.
2. Regardless of the content of material presented, 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 prior to issuance of a building permit.
3. The applicant shall abide by the conditions of approval of Resolution PC 18 33 PUD 02 and PC 18 34 SUB 01.
4. This extension of approval shall expire July 24, 2024.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 25<sup>th</sup> day of July, 2023.

  
Sandra Young, Chairperson  
Florence Planning Commission

  
DATE