APPROVED
City of Florence
Community Development
Department
"A" PC1624VAR02
Exhibit File Number

FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
Exhibit "A"

Date of Report: November 8, 2016 (Rev. 11/1/16) **Planner:** Wendy FarleyCampbell
Applications: PC 16 23 PT 03 & PC 16 24 VAR 02

I. PROPOSAL DESCRIPTION

Proposal 1: A request to partition a 4.03 acre parcel (175,930 sq. ft.) into three parcels.
Proposal 2: A request for a variance to the lot frontage requirement.

Applicant: Patricia Mullins

Property Owner: Patricia Mullins

Location: 87545 Hwy 101
Assessor's Map 18-12-14-20, Tax Lot 00100

General Location: East of Highway 101, west of Spruce St. north of Spruce Village highway emergency access and pump station

Comprehensive Plan Map Designation: Service Industrial

Zone Map Classification: Service Industrial

Surrounding Land Use / Zoning:

Site:	Single family residence / Service Industrial
North:	Vacant-Undeveloped / Lane County-Suburban Residential District
South:	Vacant-Undeveloped / North Commercial
East:	Vacant-Both Cleared & Undeveloped / Single Family Residential
West:	Sand Ranch mining and sand board business / Service Industrial

Streets/Classification:

West – Highway 101/Major Arterial, East – Spruce St./Collector; North – None; South – None

II. BACKGROUND/NARRATIVE

According to Lane County Regional Land Information Database the site is 4.03 acres and consists of a 1,940 sq. ft. single family home (1st floor enclosed & attic), 324 sq. ft. carport and 432 sq. ft. detached garage. The tentative plat illustrates a detached shop and detached garage in addition to the house and no carport. A site visit confirms a house, garage, shop and carport of unresolved sq. ft. amounts.

The home was originally constructed under Lane County's jurisdiction in 1953. The property was surveyed in 1948, 1951 and again in 2000. The 2000 survey identified an error in the surveys of 1948 and 1951 which resulted in erroneous placement of the detached shop in 1997 and detached garage at some other unknown date following 1951.

The property owner was the primary applicant for a multiple property owner annexation in the summer of 2016. The state of Oregon acknowledged the annexation approval effective July 14, 2016. This application for partition was received on September 16, 2016 and deemed complete October 14, 2016.

The applicant proposes a minor partition to divide the 175,930 square foot lot into three parcels. Two of the proposed parcels would access off of Highway 101 and the third parcel would access off Spruce St. An easement for Parcel 2 is proposed from the existing curbcut extending on and along the southern property line of Parcel 1. The two Highway fronting parcels are proposed to be 36.3 thousand and 33.9 thousand sq. ft. and the Spruce St. parcel is proposed to be 105.6 thousand sq. ft.

The applicant also applied for a variance to the lot frontage requirements. The Service Industrial District requires 200' of frontage and the applicant proposes 145' and 138' for the two highway fronting parcels, the location of the northern existing home site and the future cell phone tower site, respectively.

III. NOTICES & REFERRALS

Notice: Noticing was performed in accordance with FCC 10-1-1-5-B. Notice was sent to surrounding property owners within 300 feet of the property on October 19, 2016 and a sign was posted on the property on October 19, 2016. Notice was published in the Siuslaw News on November 2, 2016, 7 days prior to the public hearing.

As of this writing, the City has received no comments.

Referrals: Referrals were sent on October 10, 2016 to the Florence City Manager, Police, and Public Works Departments, Central Lincoln PUD, Lane County Environmental Health, Siuslaw Valley Fire & Rescue, U.S. Post Office, Western Lane Ambulance, Charter, Century Link, Coastcom, and Heceta Water District.

As of this writing, the City has received comments no comments.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:
Chapter 1: Zoning Administration, Section 1 through 5
Chapter 5: Zoning Variances, Sections 2 through 7
Chapter 31: Service Industrial District, Sections 4 and 5

Florence City Code, Title 11:
Chapter 1: Subdivision Administration, General Provisions, Sections 2 and 3
Chapter 2: Minor Partitioning Procedure, Sections 1 through 11
Chapter 5: Platting and Mapping Standards, Sections 1 through 5

Oregon Revised Statutes
ORS Chapter 92: Subdivisions and Partitions, ORS 92.010 through 92.170

V. FINDINGS

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ADMINISTRATIVE REVIEW

10-1-1-5: LAND USE HEARINGS: A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.

B. Notification of Hearing:

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

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

b. For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.

c. For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS

227.175(8). 2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.

The applicant has proposed a minor partition. In accordance with City Code and Oregon Revised Statutes, notice was provided to surrounding property owners within 300 feet and noticed within the Siuslaw News on October 19, 2016, at least 10 days prior to the public hearing regarding that issue.

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

1. The notice shall:

a. Explain the nature of the application and the proposed use or uses which could be authorized;

b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;

c. Set forth the street address or other easily understood geographical reference to the subject property;

d. State the date, time and location of the hearing;

e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;

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

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

h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

The notice mailed to surrounding property owners as described above contained information regarding the nature of the application and uses proposed; applicable criteria applying to the issue; the street address of the property; the date, time and location of the meeting; the need to "raise it or waive it" appeal rights; stated that the application and criteria were available for inspection at no cost and would be provided at reasonable cost; stated that a copy of the staff report would be available

no less than seven days prior to the hearing regarding the item; included a statement of the requirements for submission of testimony; and included the name of the staff person to contact, telephone number for the Planning Department and an email address where questions or testimony could be sent. The application was properly noticed and these criteria are met.

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

The Planning Commission will meet and decide upon the application in accordance with FCC 2-10.

E. Action by the Planning Commission:

1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.

2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.

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 received all evidence deemed relevant at the public hearing. The Planning Commission may deny approval should they determine that insufficient evidence has been provided to support the application. The burden to supply such evidence is upon the applicant.

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

Notice of Decision shall be mailed to the applicant and all parties providing testimony either in writing or verbally at the hearing who provided a mailing address.

TITLE 11: SUBDIVISION REGULATIONS

TITLE 11: CHAPTER 1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

11-1-1: PURPOSE: The purpose of this Title is:

A. To provide rules, regulations and standards to govern the approval of subdivisions and partitions of land and to carry out the development pattern and plan of the City.

B. To promote the public health, safety and general welfare; lessen congestion in the streets; secure safety from fire, flood, pollution and other dangers; provide adequate light and air; prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, parkland, multi-use paths and trails, recreation and other needs of the people of the City; to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval.

11-1-2: APPROVAL OF LAND DIVISIONS:

A. No person shall dispose of, transfer or sell any lot or parcel of land in a minor partition with respect to which approval is required by this Title until such approval is obtained.

B. No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for major subdivisions or major partitions under the provisions of this Title until such approval is obtained.

C. No persons shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any major subdivision or major partition with respect to which approval is required by this Title until such approval is obtained, and the plat thereof has been acknowledged and recorded with the County recording officer.

The applicant has proposed a minor partition and is seeking approval required by Title 11 as required. These criteria are met and the proposal meets the intent of the Title.

TITLE 11: CHAPTER 2: MINOR PARTITIONING PROCEDURE

11-2-1: APPLICATION: An application shall be made by the person proposing the minor partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with a tracing and five (5) copies of a tentative plan. (Amd. Ord 30, Series 1990).
An application was made by the property owner and her surveyor in accordance with these criteria.

11-2-2: TENTATIVE PLAN REQUIREMENTS:

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

B. Drafting: The tentative plan shall be drawn with pencil or India ink on substantial tracing paper and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch; and shall be so selected as to fit the finished drawing to a sheet size of eight and one-half inches by eleven inches (8 1/2" x 11").

The application and drawings submitted meet the applicable requirements of code. The scale of the drawing submitted was a standard 40 feet to the inch and fit the finished drawing as required. These criteria are met.

C. Information Required: The application or the tentative plan must contain the following information with respect to the subject area:

1. The proposed name of the minor partition. This name must not duplicate or resemble the name of another partition in the County and shall be approved by the Planning Commission.

The applicant has not submitted a proposed name of the minor partition. Typically, this information is not required by the Lane County Surveyor's Office for minor partitions.

2. The date, north point and scale of drawing, and a sufficient description to define the location and boundary of the tentative plan area.

3. An accurate map describing the boundaries of all contiguous land in the same ownership as the area encompassed in the application.

4. The names and addresses of the owner, partitioner and engineer or surveyor.

5. The location, name and present width of all streets and alleys.

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

7. The width and location of all easements for drainage and public utilities.

8. The dimensions, parcel lines and area of all parcels.

9. **The existing use or uses of the property, including the location of all existing structures to remain on the property.**

10. **In addition, when all or a portion of the area encompassed in a minor partition application of lots averaging a maximum of one-half (1/2) acres each has not been previously included in a recorded plat (subdivision), the following information is also required:**

    a. **The affidavit of a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor, and who prepared the tentative plan for the area encompassed in the proposed partition.**

    b. **The names of all recorded subdivisions contiguous to the subject area.**

    c. **The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required: Contour Intervals Ground Slope 1' 0% to 5% 2' 5% to 10% 5' Over 10%**

    d. **The approximate width and location of all proposed public utility easements.**

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

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

    g. **All public areas proposed to be dedicated by the partitioner and the proposed uses thereof. In this connection, the application is subject to the requirements pertaining to reserve strips as stipulated in Chapter 5 of this Title. Said reserve strips shall be clearly indicated on the proposed partition.**

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

i. **A legal description of the boundaries of the entire area owned by the partitioner of which the proposed partition is a part; provided, that where the proposed partition comprises all of such area, an affidavit of such fact shall accompany the application.**

All applicable and necessary information listed has been submitted by the applicant on the Tentative Minor Partition. The legal description of the boundaries of the entire area is not included on the plat map, but rather is included as sheets supplementing the application. The legal description of the newly created lots was not submitted as part of this application. The applicant shall submit the legal description of the proposed parcels to the Planning Department with the application for final partition. **(Condition 4.1)**

11-2-3: REVIEW OF PROPOSAL BY OTHER AGENCIES AND DEPARTMENTS: Within five (5) working days after the application 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 minor partition 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. (Amd. Ord 30, Series 1990).

The application was submitted September 16, 2016. On October 10, 2016, other agencies and departments were notified of the application through email. Notices were sent to Florence City Manager, Police, and Public Works Departments, Central Lincoln PUD, Lane County Environmental Health, Siuslaw Valley Fire & Rescue, U.S. Post Office, Western Lane Ambulance, Charter, Century Link, Coastcom, and Heceta Water District. The 30-day response period ends November 8, 2016. No agency submitted comments.

11-2-4: TENTATIVE PLAN APPROVAL: After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Commission or its designee shall grant approval or deny the minor partition tentative plan. The hearing, decision and further consideration of a similar application shall be governed by paragraphs 10-1-1-5-D and E of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord. 30, Series 1990).

A. **The approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto.**

B. **The minor partition complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence**

Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

1. **Improvements as required by the City and this Title have been completed, and a certificate of fact has been filed with the Planning Director. (Amd. Ord 30, Series 1990).**

2. **A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the City has been filed with the Finance Officer in sufficient amount to ensure the completion of all required improvements; or**

3. **A petition for improvements has been properly executed by the petitioner who is effecting the partition and will be assessed for said improvements.**

C. **Public assessments, liens and fees with respect to the minor partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the Council. (Amd. Ord 30, Series 1990).**

Except as provided for in the procedures for modification as stipulated in Chapter 7 of this Title, approval as of a minor partition tentative plan does not relieve the applicant from other applicable provisions of this Title or Oregon Revised Statutes. (Amd. Ord 30, Series 1990)

The applicant has met all applicable criteria related to this minor partition. The approval will provide an opportunity for infill development and will not impede the future best use of the remainder of the property. The minor partition complies with the requirements of this Title, applicable provisions of the Oregon Revised Statutes, Florence Comprehensive Plan, and most of the Florence Zoning provisions. The applicant applied for a variance to the frontage requirements and those criteria are reviewed later in the findings. The applicant provided a petition to annex and extension of sewer utility services to the lots. The city will be installing the improvements and the property owner will contribute financially to those improvements through either a Reimbursement District or upon receipt of services. At the time of report writing the applicant had not provided a title report to determine the whether there were any public assessments, liens and fees needing to be paid. Prior to application of final plat the applicant shall provide a title report evidencing payment of any assessments, liens and fees. **(Condition 4.2)**

11-2-6: ACKNOWLEDGING DECISIONS: Approval of a minor partition tentative plan shall be noted thereon by the chairman of the Planning Commission or its designee with the effective date of such approval. Notice of the Planning Commission's decision shall be given as provided in paragraph 10-1-1-5-F of this Code. (Amd. Ord 30, Series 1990).

The Planning Commission or its designee will note the effective date of the approval on the minor partition tentative plan. Notice of the decision will be delivered to all parties as provided in paragraph 10-1-1-5-F of the Florence City Code.

11-2-7: RETURN OF APPROVED TENTATIVE PLAN: Unless appealed, the Planning Director shall return a copy of the tentative plan as approved and so noted thereon to the applicant. (Amd. Ord 30, Series 1990).

The Planning Director will return a copy of the signed and approved tentative plan to the applicant unless appealed.

11-2-8: APPEAL OF DECISIONS: The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-6 of this Code. (Amd. Ord 30, Series 1990).

11-2-9: FINAL PARTITION MAP: No more than six (6) months after tentative plan approval, the applicant shall submit to the Planning Director a final partition map drawn by an Oregon registered engineer or licensed surveyor. The final map shall be in a form suitable for recording and shall show the acreage or square footage of each parcel. If the final map conforms to the approved tentative plan, it shall be endorsed by the City's authorized agent and recorded. A copy of the recorded map shall be returned to the applicant. (Amd. Ord. 30, Series 1990). (Amd. Ord. No. 12, Series 1999)

11-2-10: EFFECTIVE DATE OF DECISIONS: The minor partition shall become effective upon recording of the final partition map with the County Recorder.

The applicant shall submit a final partition map no more than six months after approval of the tentative plan. The submitted plan shall meet the requirements of Title 11 and be in a form suitable for recording and shall show the area of each parcel. **(Condition 4.3)**

11-2-11: EXPIRATION OF APPROVAL: If the conditions set at the time of approval are not fulfilled within one year, the minor partition approval will be null and void. A new application must be submitted for reconsideration in light of new conditions that may exist. (Ord. 626, 6-30-80)

If conditions set at the time of approval have not been fulfilled within one year (November 8, 2016), the minor partition approval shall be null and void. **(Condition 4.4)**

11-5-2: LOTS AND PARCELS:

A. Size and Frontage:

1. General Requirements: Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.

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

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

The applicant has proposed lots with sufficient depth and area to meet the requirements of the base zoning district, Service Industrial. The applicant has applied for a variance for the lot frontages of the two lots along Highway 101. The district criteria are addressed as part of FCC 10-31-4 & 5.

B. Exceptions:

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

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

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

The lot and parcel side lines have been drawn as right angles to the streets. The proposed lot lines are adequate.

7. **Future Subdivision or Partition of Lots or Parcels: Where the subdivision or partition will result in a lot or parcel one-half (1/2) acre or larger in size which, in the judgment of the Planning Commission, is likely to be further divided in the future, the Planning Commission may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this Title and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the Planning Commission deems it necessary for the purpose of future land division.**

While the partition will result in parcels greater than one-half acre, these lots could not be partitioned in the future. There is an inadequate amount of street frontage for these lots to afford additional partitioning, although those parcels may meet the minimum lot area requirements.

TITLE 10: CHAPTER 31: SERVICE INDUSTRIAL DISTRICT

10-31-4: Lot and Yard Provisions:

A. Minimum lot frontage: 200 feet

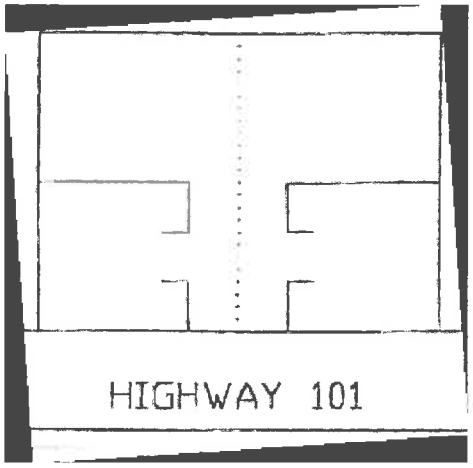
B. Lot coverage: Maximum of 85%, buildings and impervious surfaces

C. Setback/yards regulations:

Front: On Highway 101 – 25' minimum
On Oak, Spruce or other abutting streets - 20'
Side: Internal side yards - 15'
Side yards abutting other districts - 20'
Rear: Internal rear yards - 15'
Rear yards abutting other districts - 20'

10-31-5: Site Design Criteria:

1. **Access: Access and circulation shall be in accordance with FCC 10-35, except as modified by the following specific standard: Access to Highway 101 shall be via combined driveways as shown on the diagram below:**



Access and circulation shall be designed to allow future access by trucks/heavy equipment from Oak Street or Spruce Street via traffic signals at Munsel Lake Road and Heceta Beach Road and Highway 101, when those signals are installed. Businesses who will access via these signals shall contribute proportionately to the costs of the signals.

The proposed partition creates three lots. The lot along Spruce St. meets the minimum lot frontage requirement. The applicant has applied for variances for Parcels 1 and 2 Highway 101 lot frontages. The proposed new parcel for the existing home site (Parcel 1) will have an unknown amount of coverage due to inconsistencies in county records. The coverage will be well below the maximum 85% building and impervious lot coverage. The other two lots are undeveloped. The structures on the home site meet all the setback requirements excepting the northern lot line which is pre-existing non-conforming due to survey errors recorded in 1948 and 1951 on surveys 7211 and 8680 respectively. The applicant shall provide information regarding the setbacks for the existing structures in Parcel 1 prior to application for a final partition. **(Condition 3)** The applicant has proposed joint highway access and a shared easement for the two Highway frontage lots (Parcels 1 & 2). The easement shall accommodate the Spruce St. lot (Parcel 3) and when Parcel 3 is developed Spruce St. access for Parcels 1 & 2 shall be accommodated through an easement to Spruce St. **(Condition 4.5)**

TENTATIVE AND FINAL APPROVAL OF PLANS; PLATS

92.016 Sale or negotiation to sell lot or parcel prior to approval of tentative plan. (1) No person shall sell any lot in any subdivision with respect to which approval is required by any ordinance or regulation adopted under ORS 92.044 and 92.048 until such approval is obtained. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.

(2) A person may negotiate to sell any parcel in a partition with respect to which approval of a tentative plan is required by any ordinance or regulation adopted under ORS 92.044 or 92.046, respectively, prior to the approval of the tentative plan for the partition, but no person may sell any parcel in a partition for which approval of a tentative plan is required by any ordinance or regulation adopted under ORS 92.044 or 92.046, respectively, prior to such approval. [1955 c.756 §24; 1973 c.696 §5; 1974 c.74 §1; 1977 c.809 §5; 1991 c.763 §5; 2003 c.14 §34]

92.017 When lawfully created lot or parcel remains discrete lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. [1985 c.717 §3; 1993 c.702 §2]

92.025 Prohibition of sale of lot or parcel prior to recordation of plat; waiver. (1) A person may not sell a lot in a subdivision or a parcel in a partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of the county in which the lot or parcel is situated.

(2) A person may not sell a lot in a subdivision or a parcel in a partition by reference to or exhibition or other use of a plat of the subdivision or partition before the plat for the subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or a parcel in a partition under ORS 92.016 (1) and (2), a person may use the approved tentative plan for the subdivision or partition.

(3) Notwithstanding subsections (1) and (2) of this section, the governing body of a city or county may enact an ordinance waiving the requirement that parcels created in excess of 80 acres be shown on a partition plat. Nothing in this subsection shall exempt a local government from minimum area requirements established in acknowledged comprehensive plans and land use regulations. [1955 c.756 §6 (enacted in lieu of 92.020 and 92.030); 1973 c.696 §6; 1977 c.809 §6; 1989 c.772 §4; 1991 c.763 §6; 2005 c.399 §3]

The applicant has not indicated that they wish to sell the parcels proposed by the tentative plan prior to final plat approval.

92.040 Application for approval of subdivision or partition; tentative plan; applicability of local government laws. (1) Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording. However, approval by a city or county of such tentative plan shall be binding upon the city or county for the purposes of the preparation of the subdivision or partition plat, and the city or county may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition.

(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.

(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government. [Amended by 1955 c.756 §7; 1973 c.696 §7; 1983 c.826 §8; 1989 c.772 §5; 1995 c.812 §9; 2005 c.22 §71]

The applicant and the City of Florence have met these criteria for this minor partition.

92.050 Requirements of survey and plat of subdivision and partition. (1) A person shall not submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.

(2) The survey for the plat of the subdivision or partition shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the subdivision or partition plat, whichever is greater.

(3) The survey and plat of the subdivision or partition shall be made by a registered professional land surveyor.

(4) The plat of the subdivision or partition shall be of sufficient scale and lettering size, approved by the county surveyor, so that:

(a) The survey and mathematical information and all other details are clearly and legibly shown on the plat.

(b) Each lot or parcel is numbered consecutively.

(c) The lengths and courses of the boundaries of each lot or parcel are shown on the plat.

(d) Each street is named and shown on the plat.

(5) The locations and descriptions of all monuments found or set must be carefully recorded upon all plats and the proper courses and distances of all boundary lines, conforming to the surveyor's certificate, must be shown.

(6) The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded by the county clerk. Private easements become effective upon the recording of the plat.

(7) The area of each lot or parcel must be shown on the subdivision or partition plat.

(8) In addition to showing bearings in degrees, minutes and seconds and distances in feet and hundredths of a foot, the following curve information must be shown on the subdivision or partition plat either on the face of the map or in a separate table:

(a) Arc length;

(b) Chord length;

(c) Chord bearing;

(d) Radius; and

(e) Central angle.

(9) A city or county may not require that a final subdivision, condominium or partition plat show graphically or by notation on the final plat any information or requirement that is or may be subject to administrative change or variance by a city or county or any other information unless authorized by the county surveyor. [Amended by 1955 c.756 §10; 1983 c.309 §3; 1989 c.772 §8; 1991 c.763 §10; 1993 c.702 §3; 1995 c.382 §4; 1997 c.489 §2; 1999 c.1018 §1; 2005 c.399 §5]

The applicant has submitted a tentative partition plan which meets these criteria. All information required by ORS 92.050 has been provided.

92.060 Marking subdivision, partition or condominium plats with monuments; types of monuments; property line adjustment. (1) The initial point, also known as the point of beginning, of a plat must be on the exterior boundary of the plat and must be marked with a monument that is either galvanized iron pipe or an iron or steel rod. If galvanized iron pipe is used, the pipe may not be less than three-quarter inch inside diameter and 30 inches long. If an iron or steel rod is used, the rod may not be less than five-eighths of an inch in least dimension and 30 inches long. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, one-

sixteenth corner, Donation Land Claim corner or to a monumented lot corner or boundary corner of a recorded subdivision, partition or condominium plat. When setting a required monument is impracticable under the circumstances, the county surveyor may authorize the setting of another type of monument.

(2) In subdivision plats, the intersections, the initial point, also known as the point of beginning, the point of ending, points of curves and points of tangents, or the point of intersection of the curve if the point is within the pavement area of the road, of the centerlines of all streets and roads and all points on the exterior boundary where the boundary line changes direction, must be marked with monuments either of galvanized iron pipe or iron or steel rods. If galvanized iron pipe is used, the pipe may not be less than three-quarter inch inside diameter and 30 inches long. If iron or steel rods are used, the rod may not be less than five-eighths of an inch in least dimension and 30 inches long. When setting a required monument is impracticable under the circumstances:

(a) The county surveyor may authorize the setting of another type of monument; or

(b) The county surveyor may waive the setting of the monument.

(3) All lot and parcel corners except lot corners of cemetery lots must be marked with monuments of either galvanized iron pipe not less than one-half inch inside diameter or iron or steel rods not less than five-eighths inch in least dimension and not less than 24 inches long. When setting a required monument is impracticable under the circumstances:

(a) The surveyor may set another type of monument; or

(b) The county surveyor may waive the setting of the monument.

(4) A surveyor shall set monuments with sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or within one ten-thousandth of the distance shown on the subdivision or partition plat, whichever is greater.

(5) A surveyor shall set monuments on the exterior boundary of a subdivision, unless the county surveyor waives the setting of a particular monument, where changes in the direction of the boundary occur and shall reference the monuments on the plat of the subdivision before the plat of the subdivision is offered for recording. However, the surveyor need not set the remaining monuments for the subdivision prior to the recording of the plat of the subdivision if:

(a) The registered professional land surveyor performing the survey work certifies that the remaining monuments will be set, unless the county surveyor waives the setting of a particular monument, on or before a specified date as provided in ORS 92.070 (2); and

(b) The person subdividing the land furnishes to the county or city by which the subdivision was approved a bond, cash deposit, irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 or other security as required by the county or city guaranteeing the payment of the cost of setting the remaining monuments for the subdivision as provided in ORS 92.065.

(6) A surveyor shall set all monuments on the exterior boundary and all parcel corner monuments of partitions, unless the county surveyor waives the

setting of a particular monument, before the partition plat is offered for recording. Unless the governing body provides otherwise, any parcels created outside an urban growth boundary that are greater than 10 acres need not be surveyed or monumented.

(7) Except as provided in subsections (8) and (9) of this section, a property line adjustment must be surveyed and monumented in accordance with subsection (3) of this section and a survey, complying with ORS 209.250, must be filed with the county surveyor.

(8) Unless the governing body of a city or county has otherwise provided by ordinance, a survey or monument is not required for a property line adjustment when the abutting properties are each greater than 10 acres. Nothing in this subsection exempts a local government from minimum area requirements established in acknowledged comprehensive plans and land use regulations.

(9) The requirements of subsection (7) of this section do not apply to property transferred through a property line adjustment as described in ORS 92.010 (9)(e). [Amended by 1955 c.756 §11; 1973 c.696 §12; 1983 c.309 §4; 1989 c.772 §9; 1991 c.331 §20; 1991 c.763 §11; 1993 c.702 §4; 1995 c.79 §32; 1995 c.382 §5; 1997 c.268 §2; 1997 c.489 §3; 1997 c.631 §391; 1999 c.1018 §3; 2005 c.230 §3; 2005 c.399 §7a; 2007 c.866 §9; 2008 c.12 §4]

The applicant has not indicated the type or number of monuments for the proposed partition. The applicant shall the type and number of monuments with the final partition plan. **(Condition 4.4)**

92.080 Preparation of plat. Notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning land in a county in this state, dedications of streets or roads or public parks and squares and other writings made a part of the subdivision or partition plats offered for record in a county in this state must be made on material that is 18 inches by 24 inches in size with an additional three-inch binding edge on the left side when required by the county clerk or the county surveyor, that is suitable for binding and copying purposes, and that has the characteristics of strength and permanency required by the county clerk and county surveyor. All signatures on the original subdivision or partition plat must be in archival quality black ink. The subdivision or partition plat must be of a scale required by the county surveyor. The lettering of the approvals, the declaration, the surveyor's certificate and all other information must be of a size or type to be clearly legible, but the information may not come nearer an edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page must be included for subdivision or partition plats placed upon three or more sheets. [Amended by 1955 c.756 §12; 1973 c.696 §15; 1985 c.582 §1; 1989 c.772 §12; 1991 c.763 §14; 1993 c.321 §6; 1993 c.702 §5; 1997 c.489 §5; 1999 c.710 §3; 2005 c.399 §10]

92.105 Time limit for final action by city or county on tentative plan. The governing body of a city or county or its designate is subject to the

provisions of ORS 215.427 or 227.178 in taking final action on an application for approval of a tentative plan for a subdivision or partition located within an acknowledged urban growth boundary. [1981 c.884 §2; 1983 c.827 §51; 1989 c.772 §16]

This tentative minor partition has been addressed according to the appropriate provisions of ORS 227.178. A decision will be issued within the 120-day period required by ORS 227.178 and Florence City Code unless waived by the applicant.

FLORENCE CITY CODE (FCC)

TITLE 10 CHAPTER 5: ZONING VARIANCES

10-5-1: PURPOSE: The purpose of a variance shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are inconsistent with the objectives of this Title. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity.

10-5-2: LIMITATIONS: A variance shall not be granted as a substitute for, or in lieu of, a change in zone. A variance does not apply to use regulations. The Planning Commission may grant a variance to a regulation prescribed by this Title with respect to the following:

A. Fences, hedges, walls or landscaping.
B. <u>Site</u> area, <u>width</u>, depth, square footage, frontage and building coverage.
C. Front, side or rear yards.
D. Height of structures.
E. Distance between structures.
F. Accessory buildings.
G. Parking requirements.
H. Width of rights of way and roadways.
I. Suitability of alternate sign materials or methods of construction; interpretation and enforcement; height, or location of signs.
J. Grant only the minimum variance necessary to meet the hardship or practical difficulties.
K. Attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter.

The proposed variance is for the lot widths of proposed parcels 1 & 2. The Planning Commission may grant a variance for this regulation, which is listed

under 10-5-2(B), above. The lot frontage, per FCC 10-31-4(A), is required to be a minimum of 200 feet wide. The total current lot width is 283.77 feet. The request is to partition the 283.77 foot long highway frontage into two parcels 145.06 ft. wide and the other 138.71 ft. wide.

This request is only to address the requirements described above, and all other requirements are proposed to be met. Therefore, the request is to grant only the minimum variance necessary to meet the hardship or practical difficulties. There are no conditions necessary, other than those related to the partitioning and access requirements, in order to grant the variance to achieve the purpose of this chapter.

The proposed variance is not in lieu of a change in zone, nor is it for a use regulation. The Service Industrial zone allows the proposed cell phone tower use, which is a utility use much like a sewer pump station or electrical substation generating vehicular traffic only for maintenance and no pedestrian traffic. The residence is pre-existing non-conforming. Therefore, all of the applicable criteria are met.

10-5-4: CONDITIONS: The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.

The property is located in the Service Industrial District. The purpose of the district is to "provide an area within the City for large-lot industrial uses, particularly those associated with construction and development, while providing a visually pleasing north entrance into Florence, and maintaining through traffic flow on Highway 101." Cell phone towers are permitted in the district. Single family homes are not a permitted use in the zone.

The recent annexation of the property resulted in a rezone of the property from residential to industrial making the single family residence pre-existing non-conforming. The owner proposes to partition the large lot into three lots with the two highway frontage lots hosting the home site and the cell phone tower site. The applicant states that the home site currently occupies 145' of frontage leaving 138 feet of undeveloped frontage. Also, there are insurance challenges with co-locating a cell phone tower on the home site. The cell phone tower requires a relatively small foot print and she would like to maintain the future developability of the rear of the lot off Spruce St. and the existing home site. Developing the remaining highway frontage and maintaining affordability for the existing single family residence within the new industrial zoning district, result in practical and unnecessary hardships for the applicant.

The current telecommunications and other city code are deficient in that it does not differentiate lot standards for utility uses on private property. Single family homes when permitted conditionally are required to meet the single family home zoning requirements. The resulting Parcel 1dimensions with the existing home greatly exceeds the standards for the single family residential housing code criteria. The lot is still categorically a large lot even with the reduced frontage having a proposed 36,376 sq. ft. The home site could in the future serve as a caretaker residence for a permitted use. The resulting cell tower site while smaller with just under 34,000 sq. ft. will be large enough to serve the needs of providing the proposed utility service, a permitted use in this district. Therefore, this criterion is met.

B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, <u>or</u>

Finding: The criteria in B <u>or</u> C must be addressed; criterion B is addressed above and C is addressed below.

C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, <u>and</u>

The Service Industrial District requires 200 feet of lot frontage. Of the nine properties within the city limits zoned Service Industrial and having highway frontage seven of them have frontages ranging from 100 to 160 feet with the average of those being 120'. Both the applicant's proposed widths are greater than the average and will be second and fourth widest lots of the resulting 10 highway frontage lots. Of those nine highway fronting properties, five of them also have single family residences on them and also have less than 200 feet of lot frontage. Granting a variance for the lot frontage facilitates continued use of the residence and use of the southern unused lot frontage; all other development standards are proposed to be met, consistent with other properties in the Service Industrial zone. Granting a variance to the requested provision illustrates a land dimension pattern consistent with existing similar uses that is the standard rather than the exception. Therefore, the proposed variance will not constitute a grant of special privilege inconsistent with the limitation on other properties classified in the same zoning district. Thus, this criterion is met.

D. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

The property is located within the Service Industrial district and the surrounding properties are also zoned either Service Industrial or North Commercial. This

district is intended for low density industrial development. The proposed plat creates three lots consistent with the existing density anticipated by the zoning, which is in keeping with the purpose of the Service Industrial District and historical character of the area. The applicant proposes a shared driveway consistent with the code requirements resulting in fewer turning lanes onto the highway creating a safer access plan.

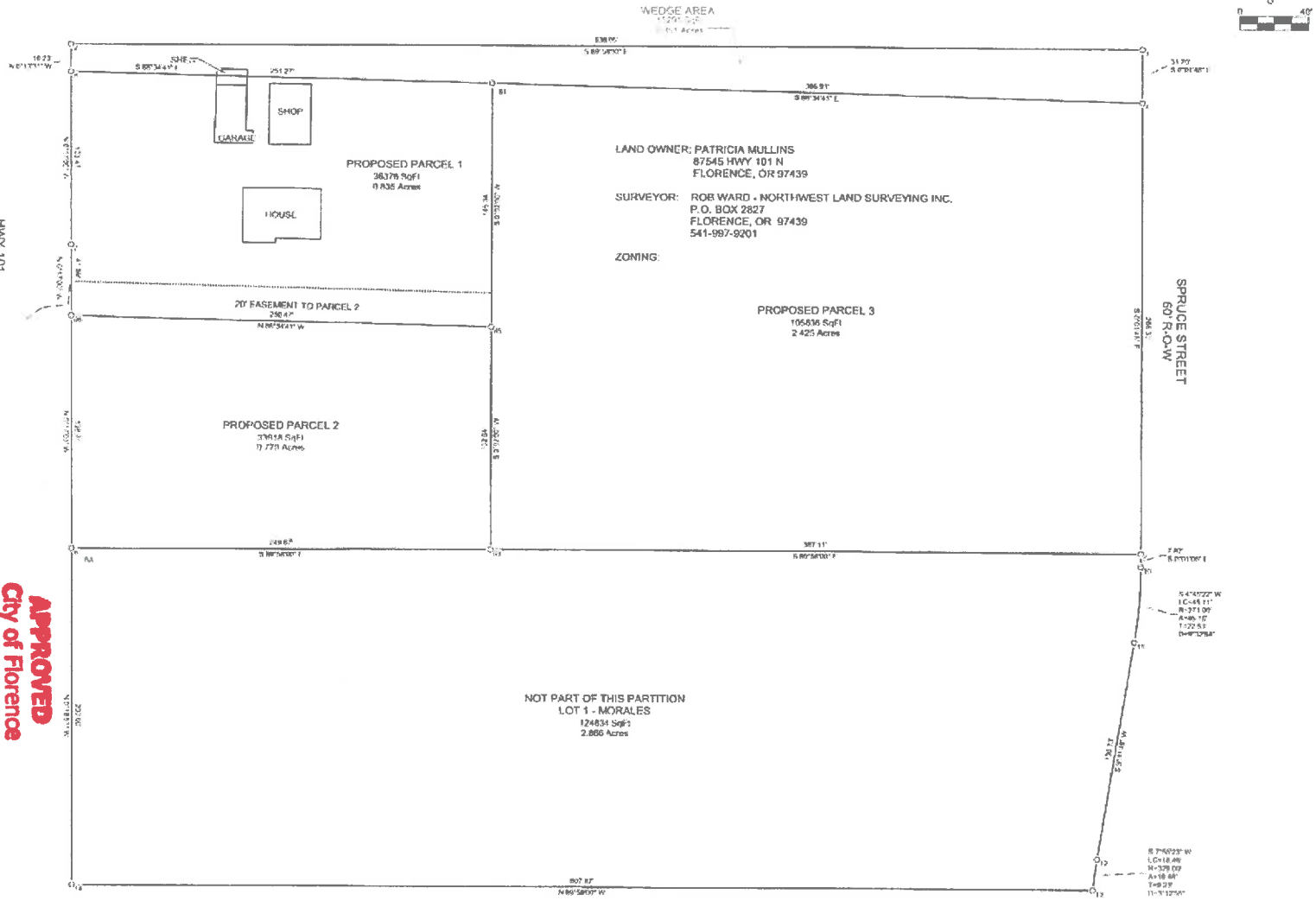
VI. CONCLUSIONS

The applications meet the requirements of City Code with conditions, and recommends approval of the minor partition and variance application subject to the following conditions.

VII. EXHIBITS

A. Findings of Fact
B. Tentative Minor Partition
C. Partition Application & Phase I Site Investigation Report & Variance Application
D. 2001 Survey #37140

PRELIMINARY PARTITION PLAT
FOR: PATRICIA MULLINS
MAP 18-12-14-2 TAX LOT 100
FLORENCE, LANE COUNTY, OREGON



APPROVED
City of Florence
Community Development
Department
"B"
Exhibit
AC16 24 VAR 02
File Number

FILE NAME		
16-094.trv		
SCALE	DATE	DRAWN BY
40 Ft/In	8-17-2016	RBW
JOB	REVISION	SHEET
16-094	1:1	1/1

This map drawn with TRAVERSE PC Software

Exhibit B

RECEIVED
City of Florence
SEP 1 , 2016
By: gdfc

City of Florence
Community Development Department
250 Highway 101
Florence, OR 97439
(V): (541) 997-8237
(F): (541) 997-4109
www.ci.florence.or.us

Land Use Application for Variance

(please also refer to FCC 10-5 for limitations, process and criteria)

I. Applicant Information (*required information)

*Name: Patricia Mullins *Phone (541) 999-4835

Email Address: Pooder462001@yahoo.com

*Mailing address: PO Box 1642
Florence OR 97439

* Signature: Patricia Mullins *Date: Sept 16, 2016

II. Property Owner Information (*required information)

*Name: Same As Above *Phone (___) ___-___

Email Address: _____

*Mailing address: _____

*Signature: _____ *Date: _____

If applicant and property owner are not the same, either sign or submit a letter of authorization to allow the applicant to act as agent for the property owner. The property owner agrees to allow Planning Staff and Planning Commission on the property. Please let staff know if notification or special arrangements are needed.

III. Property Description

Property Address: 87545 Hwy 101 Florence OR 97439

General Location (example: City Hall is at the SE corner of 2nd and Highway 101): Between Hwy 101 and Spruce

Assessor's Map and Tax Lot 18-12-14-20-00100 Lot Size: 4.2 Ac

Zoning District: Service Industrial

Describe the conditions and land uses of all land within 600 feet from the proposed site that is one acre or larger and within 100 feet the site that is less than an acre or attach a map: _____

Please explain the existing conditions of the site: Single Family Residence on Northern Portion of lot. Cell tower utility to be built on Southern Part of lot.

(Continue on the next page)

APPROVED
City of Florence
Community Development
Department
"C" PC 16 24 VAR 02
Exhibit File Number

Exhibit C

IV. Utilities

List public services currently available to the site: (see Florence City Code (FCC) 10-1-1-4-B3)
Note: For help in filling this section out, please call Dig Safely Oregon 1-800-332-2344 or 811

Water Supply: _____ - inch line available in Street(s) Heceta Water Pud

Sanitary Sewer: _____ - inch line available in Street(s) _____

Storm Sewer: _____ - inch line available in Street(s) _____

Telephone: ☑ is ☐ is not available in Street(s) _____

Cable TV: ☑ is ☐ is not available in Street(s) _____

Electrical: ☑ is ☐ is not available in Street(s) _____

Other (such as fiber optics): _____

Is your variance application tied to another application? ☑ yes ☐ no, If so, please list the other applications you have submitted: Minor Partition.

V. Project Description

Proposal: *Attach additional sheets if necessary (double sided copies please). Describe the project in detail, what is being proposed, size, objectives, what is desired by the project.

Partition Lot into 3 lots. The Southerr Hwy101 lot will be developed with a cell tower. the Northern Hwy 101 lot is currently developed with a Single Family home, Shop and garage. Eastern Portion of lot is Vacant and cleared of vegetation.

Please explain the variance request: Reduced lot Frontage

What are the practical difficulties and physical hardships involved? Pre Single Family residence on Large lot. want to maintaine Future developbilade of both Frontage lots.

Please explain the reasons for a variance being the most practicable solution to the problem:

145 Feet of Frontage is Already developed. Leaving 138 Feet of Frontage underelopred. The house is pre exsisting and Shop and Garage. leaving a 138 Feet of Frontage which does not meet Code

(Continue on the next page)

VI. Criteria (FCC 10-5-4)

The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.

B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or
C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and

D. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

E. In the case of a variance to the sign provisions, the power to grant variances does not extend to the convenience of the applicant, nor is it intended to extend to the convenience of regional or national businesses which wish to use a standard sign when these do not conform to these provisions.

Please explain how you meet the criteria Attach additional sheets if necessary (double sided please):

A + B See Above

C. The proposed Vierance well make the lot width consistent with other properties with the same zoning.

D. A Reduced lot Frontage Still Provides Sufficient width For Safe vehicular access. Shared access is Proposed thru a easement.

E. N-A

V. Additional Information Required

The below is check list of the required information to determine an application complete. Florence City Code (FCC) references are provided for your convenience. FCC is available at City Hall or on-line at www.ci.florence.or.us, click on "City Code". Copies of the *Florence Transportation Plan, Downtown Architectural Guidelines,* and *Highway 101 Access Management Plan* are available at the City Hall for review or purchase as well as on-line, under "City Services" click on Planning. The plans are found on the right menu.

FCC Title 10, Chapter 1 states that staff has 30 days to review the application for completion. A written notice explaining application deficiencies or acknowledging a complete application will be provided to the applicant and/or representative. Please be aware that the applicant has the burden of proof to show how the project meets the applicable criteria as (refer to FCC 2-10-6). If you have questions, contact the Planning Department at 541-997-8237.

(Continue on the next page)

☐ Title Report from a Title Company (per FCC 10-4-3-C and 10-6-6-E)- indicating liens, access and/or utility easements, legal description

☐ Site Plan (per FCC 10-5)- drawn to scale showing dimensions, illustrating the size and location of existing use and structures on the property.

☐ Off-Site Conditions- (per FCC 10-1-1-4-B-3) 600 feet from the proposed site that is one acre or larger and within 100 feet the site that is less than an acre (300 feet for a conditional use permit as per FCC 10-4-3-B). Drawing needs to include property lines, utility locations and sizes, existing and future streets, significant grade changes and natural features such as streams, wetlands and sand dunes. If possible, please include adjacent property's ingress and egress locations.

☐ Old Town District:

☐Survey (for Old Town Zoning District) (per FCC 10-17A-4-K-1-a, 10-17B-4-K-1-a, and 10-17C-4-K-1-a)-All new development, redevelopment, and additions require a recent survey map drawn to scale which shows property lines, easements, 2' contours, existing structures (including height of sea-wall, if appropriate), floodplain, and highest observed tide.

☐ Visual Aids (for new construction or story addition in Old Town)- Please refer to FCC 10-17A-4-K-1-b, 10-17B-4-K-1-b, and 10-17C-4-K-1-b for the requirements for each subsection.

☐ Access permit (for properties along State or County Roads) (see FCC 10-35-2-4)- A State or County complete access permit or application is required. For properties on Highway 101 located between Highway 126 and the bridge, please refer to the *Highway 101 Access Management Plan.*

☐ Stormwater: (only one applies) meeting design requirements outlined in FCC 9-5-3:

☐ Preliminary Development Plan (per FCC 9-5-2-A-4): (projects which are under 1 acre adding 500 square feet or greater of impervious surface area or clearing 10,000 square feet or greater per FCC 9-5-2-2-C) Shall include a general description of the proposed project property and description of existing structures, buildings, and other fixed improvements located on the property and surrounding properties. The plan shall also include natural water flow of the existing property, soils, storm water drainage, flooding from high groundwater table. The Plan also shall identify the features outlined in FCC 9-5-2-A-4.

(Continue on the next page)

☐ A Stormwater Management Plan (per FCC 9-5-2-3): Stormwater Management Plan is required for projects over 1 acre is required with construction drawings, please refer to FCC 9-5-2-3 for submittal requirements.

FCC 10-5-7 states, "EXPIRATION OF VARIANCE: Authorization of a variance shall be voice one (1) year after the date of approval of a variance 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 variance if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)"