

ITEM TITLE: *Resolution PC 22 24 VAR 01 86 Outer Dr Variance Ramada Replacement*

OVERVIEW:

Application: Request for a hardship variance to replace a ramada and covered deck structure in Coast Village that is partially within the significant riparian area or Munsel Creek Channel Side Reach RMC-Cs.

Process and Review: This permit type is a Type III land use application requiring a quasi-judicial public hearing. The Florence Planning Commission is the review body as set out in the [Florence City Code Title 10 Chapter 5](#). The findings of fact and application materials are attached to this AIS. The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections included may be applied in the decision-making process. Application materials, public testimony, previous approvals and research that speak to the criteria may also be considered. Staff has made a recommendation for this application and include findings reviewing the application against the applicable criteria and incorporate public testimony and research where applicable.

Staff is recommending approval of the hardship variance request for the replacement of the ramada and covered deck structure. The previous ramada structure and covered deck were in the same location with the same footprint as the replacement structures. The main discussion point is that the structure was and is proposed to be placed partially within a significant riparian corridor. The previous structures were legally constructed and had been exempt from the setback requirements, however this legally non-conforming use was voided by the voluntary removal of the structure. As the proposed structure is to be replaced in the same location and the same foot print, no additional impacts or vegetation removal are proposed or anticipated in the riparian corridor. Without granting a hardship variance on the subject lot, this lot is largely unbuildable due to the lot dimensions and constraints of the riparian corridor present to the south west portion of this lot.

Background and Narrative: The City received complaints of construction in a riparian area in Coast Village in 2022. The City Building Official was sent to investigate and issued a Stop Work Order on 86 Outer Dr. in December 2022 due to construction without required building permits. In response to the Stop Work Order the property owner came into City Hall and completed necessary land use and building permit applications for the construction of a replacement ramada and covered deck that are partially within a riparian area.

The previous ramada was constructed legally based on code criteria at the time in 1988 and the covered deck in 2004. The proposed replacement ramada and covered deck are to be placed in the same location with the same foot print as the previous structures.

This lot is eligible for a variance based on code criteria in FCC 10-5, 10-7, and 10-29 as discussed in more detail in the Findings of Fact. There are unique circumstance present on this lot that cause

an undue hardship beyond the property owner's control. This lot does not have adequate contiguous space to rebuild similar structures to use the lot as intended as a residential lot.

Testimony: No public testimony was received at this time.

Agency Referrals: Referrals were sent to Public Works and Siuslaw Valley Fire and Rescue (SVFR). These referral comments are addressed in the Findings of Fact. Public works commented that building outside of the riparian area would be preferable and SVFR commented on the placement of a propane tank not meeting state fire codes.

Response was received from DSL on February 9, 2023 in response to the Wetland Use Notification that concluded the proposed project did not appear to impact Munsel Creek

ISSUES/DECISION POINTS: None

ALTERNATIVES:

1. Approve the hardship variance request with conditions of approval, or
2. Continue the Public Hearing to a date certain if more information is required, or
3. Close the public hearing, but leave the written record open for seven or more days if more information is required, or
4. Do not approve the request, revising the findings and drafting a resolution stating how the application does not meet the criteria.

RECOMMENDATION: Planning Staff—Approve Hardship Variance for the replacement of the ramada and covered deck with Conditions.

AIS PREPARED BY: Clare Kurth, Assistant Planner

- ITEM'S ATTACHED:**
- Resolution PC 21 25 VAR 03 (draft)
 - "A" Findings of Fact (draft)
 - "B" Land Use Application
 - "C" Site Plan
 - "D" Building Files
 - "E" Wetland Use Notification
 - ~~"F" Complaint Pictures Received~~ REMOVED
 - "G" Site Visit Pictures Jan 25, 2023
 - "H" Referral Comment - SVFR
 - "I" Local Wetland Inventory and Riparian Reaches Maps
-

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 21 19 VAR 01

A HARDSHIP VARIANCE REQUEST FOR REBUILDING A COVERED DECK AND RAMADA AT 86 OUTER DR, LOCATED WITHIN THE COAST VILLAGE DISTRICT. THE PREVIOUS STRUCTURES AND PROPOSED REPLACEMENT STRUCTURES ARE LOCATED PARTIALLY WITHIN THE SIGNIFICANT RIPARIAN AREA OF MUNSEL CREEK.

WHEREAS, application was made by Lisa Von Wald, acting as both the applicant and property owner for approval of a hardship variance request as required by FCC 10-1-1-6-3, FCC 10-5-5; and

WHEREAS, 86 Outer Dr being in the Coast Village Zoning District is eligible for a hardship variance as demonstrated by the site plan and application in accordance with FCC 10-7-4-L; and,

WHEREAS, the Planning Commission met in a duly-advertised public hearing on February 14, 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 10-5-4 and FCC 10-5-5, 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 Conditions of Approval.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Florence finds after considering applicable criteria in Florence City Code and based on the Findings of Fact and the evidence in record that:

The request for a hardship variance is approved to replace previously existing ramada and covered deck structures partially encroaching into the required 25-foot setback area of Munsel Creek Side Channel, Reach RMC-Cs. The previous structures were built legally in 1988 and 2004, these replacement structures shall be placed within the existing footprint of the previous structure with no additional disturbance to the riparian area.

Decision is shown on:

“A”	Findings of Fact
“B”	Application and Site Plan
“C”	Email Received Dec 20, 2022
“D”	Building Files
“E”	Wetland Use Notification
“F”	Complaint Pictures Received REMOVED
“G”	Site Visit Pictures Jan 25, 2023
“H”	Referral Comment- SVFR
“I”	2013 Wetlands Maps

With the following conditions of approval:

1. 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 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 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 prior to issuance of a building permit and apply for all building permits necessary for this proposal.
3. At the close of the appeal period, the variance shall become effective. The authorization for a variance shall be void after February 14, 2024, if building permits have not been issued and work has not been resumed.

4. Development Standards for Wetlands and Riparian Areas:

- 4.1 Sediment control measures shall be taken during construction to prevent debris and materials from entering Munsel Creek
- 4.2 Native vegetation that is removed or destroyed during the construction of the replacement ramada shall be replaced with native vegetation that is similar in size and variety from the approved Tree and Plant List. No part of this variance approval shall be interpreted as approving removal or destruction of native vegetation in the riparian corridor
- 4.3 The replacement ramada and covered deck shall be within the previous structure's footprint. The replacement structure shall not project into any setbacks further than the previous structure(s).
- 4.4 If any invasive vegetation is present in the riparian area set back it shall be removed by mechanical means (hand pulling) and replaced with native vegetation in accordance with FCC 10-7-4-L. No herbicides or pesticides shall be used for vegetation removal within the riparian setback.

5. Coast Village

- 5.1 In accordance with FCC 10-29-5 a minimum 5' greenbelt shall be maintained on the side and rear property lines with the minimum 3' clearance maintained between greenbelt and dwelling for fire safety.

Informationals:

1. **Building Permits:** All work requiring a building permit in accordance with ORSC 2022 or FCC 4-1 shall be obtained prior to continuing construction on the site.

2. **Comments from Chief Schick:** Comments regarding minimum clearance from propane tanks and combustible materials shall be considered and the location of the propane tank on the site shall meet 2022 Oregon Fire Code as stated below.

2022 Oregon Fire Code
Chapter 61 - Liquid Petroleum Gases

6107.3 Clearance to combustibles. Weeds, grass, brush, trash and other combustible materials shall be kept not less than 10 feet (3048 mm) from LP-gas tanks or containers.

3. **Lighting:** All exterior lighting will be required to meet comply with FCC 10-37 by the end of the amortization period (January 1, 2025). By this date or before all exterior lighting on this site shall be brought into current code compliance.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 14th day of February, 2023

Sandra Young, Chairperson
Florence Planning Commission

DATE

**FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
EXHIBIT A**

Date of Hearing: February 14, 2023

Planner: Clare Kurth, Assistant Planner

Application: PC 22 24 VAR 01

Related Files: None

I. PROPOSAL DESCRIPTION

Proposal: An application from Lisa Von Wald, property owner of 86 Outer Dr, requesting a special setback reduction/hardship variance for replacement of a Ramada covering an RV in the Coast Village District as regulated by Florence City Code Title 10, Chapter 29 and Special Development Standards as regulated by Title 10, Chapter 7. This property and previous structure are partially within the significant riparian area of Munsel Creek Side Channel, Reach RMC-Cs. The rebuilt ramada is proposed to be within the footprint of the previous structure.

Applicant: Lisa Von Wald

Representative: Lisa Von Wald

Property Owner: Lisa Von Wald

Location: 86 Outer Dr

Site: Assessor's Map 18-12-23-31, TL 22100

Comprehensive Plan Map Designation: Medium Density Residential (MDR)

Zone Map Classification : Coast Village (CV)

Surrounding Land Use / Zoning:

Site: Residential / CV

North: Residential / CV

South: Residential / CV

East: Residential / CV

West: Residential / CV

Streets / Classification:

East – Outer Dr / Local; **North** – Outer Dr / Local, rededicated Florence plat;

West – Castaway Cove / Local; **South** – Manzanita Way / Local

II. NARRATIVE

Background:

The subject lot is located within the Coast Village (CV) Zoning District as regulated by Title 10, Chapter 29 and is plan designated Medium Density Residential (MDR) on the Comprehensive Zoning Map. CV is a unique area that began as a campground in 1973 and has since evolved

into a residential community that accommodates both seasonal and year-round residences through a zoning change in 2011. This area allows dwelling in both conventional single-family homes and the use of RVs/camper trailers for use as residential dwellings. This area has unique challenges for development due to the significant riparian area that travels through some of the lots. The Munsel Creek Reach RMC-Cs travels through CV and is present in the south east corner of 86 Outer Dr.

86 Outer Dr had a previously existing ramada over the previous park model trailer which was permitted and finalized in 1988 and a covered deck that was permitted and finalized in 2004. In addition to these structures the lot also has a carport and shed that are pre-existing and not the subject of this application as no alterations have been made or proposed. In 2013 under Ordinance 2 the City adopted an updated Wetland and Riparian Inventory designating RMC-Cs reach traversing through the property. The ramada and covered deck are proposed to be replaced and require a hardship variance due to the location and proximity to riparian area.

In late 2022 the City received complaints that the property owner was rebuilding a larger ramada structure at 86 Outer Dr. The property owner was contacted regarding these complaints and the building official was sent out to investigate. He issued a Stop Work Order on the property in the first half of December because the structure under construction requires building permits and plan reviews in accordance with the Oregon Residential Specialty Code (ORSC) and Florence City Code (FCC) Title 4, Chapter 1. The applicant brought in an application, site plan, and building permit application on December 15, 2022 for replacement of the ramada and covered deck. On December 20, 2022 the applicant emailed the City a site plan indicating the riparian area and the 25-foot setback area.

A mechanical permit was issued November 10, 2022 to install a propane tank. After further investigation, the placement of the propane tank does not meet minimum set back in accordance with FCC 10-29-5 or State of Oregon Fire Codes. The mechanical permit was issued to Suburban Propane, which is licensed by the CCB.

The previous ramada structure was a legally constructed, pre-existing structure, but this pre-existing condition was voided with the voluntary removal of the previous structure. The president of the HOA came into City Hall with the applicant and explained the error in believing that rebuilding the existing structure would not require additional approval or permits. All parties were open and receptive to information regarding permitting and land use review requirements. The applicant has been agreeable and cooperative with the City. On January 25, 2023 City staff went to the site to take pictures and visualize the location of the Munsel Creek Reach present on the property, the Building Official accompanied staff and stated that he did not observe any significant work done since the stop work order was issued.

As a portion of the previous and proposed structure are within the significant riparian area, and the pre-existing conditions on the lot have been voided, the applicant is requesting a hardship variance as there is no feasible place to rebuild a similar, suitable structure, while adhering to required setbacks. Therefore, this application is being processed as a Type III Land Use Review for a hardship variance request in accordance with FCC 10-5-5. The applicant is proposing the new structure to be within the same footprint of the previous structure so no additional vegetation removal or other impacts are anticipated in the riparian area.

III. NOTICES & REFERRALS

Notice: On January 24, 2023, notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on January 24, 2023. Notice was published in the Siuslaw News on **February 1, 2023**

As of the writings of these Findings no public testimony has been received.

Referrals: On January 12, 2023 a Wetlands Use Notification was submitted to the Oregon Department of State Lands.

A response from DSL was received from Jessica Salgado on February 9, 2023 [Exhibit E] that stated:

“Based on the submitted site plan, the proposed project (“ramada replacement”) does not appear to impact Munsel Creek or jurisdictional wetlands on-site.”

On January 25, 2023 Chief Schick of the Siuslaw Valley Fire and Rescue and Public Works Director Mike Miller were contacted for referrals.

Chief Schick responded regarding the propane tank placement with:

2022 Oregon Fire Code Chapter 61 - Liquid Petroleum Gases 6107.3 Clearance to combustibles. Weeds, grass, brush, trash and other combustible materials shall be kept not less than 10 feet (3048 mm) from LP-gas tanks or containers.
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Public Works Director Mike Miller commented on the location of the 5th wheel in relation to the riparian area.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code

Criteria Applying to this Matter for the application include:

Florence City Code, Title 10: Zoning Regulations

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

- Chapter 1: Zoning Administration, Sections 1-6-3
- Chapter 5: Zoning Variances, Sections 4-A, 4-C, 5-B, and 6-7
- Chapter 7: Special Development Standards, Sections 2 and 4
- Chapter 29: Coast Village, Sections 1, 3, 5, and 6

Florence Revitalization 2020 Comprehensive Plan

- Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources. Policies 3 and 5

Florence Area Local Wetlands and Riparian Inventory, June 13, 2013

V. FINDINGS

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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

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

8. Variances.

This proposal requires a Type III Planning Commission review and approval as a hardship variance request due to the unique constraints present on the lot.

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 application was provided on January 24, 2023 to property owners within 300 feet of the subject property and posted on the property 20 days prior to the January 24, 2023 public hearing. The public hearing notice was also published in the Siuslaw News on February 1, 2023. These criteria are met.

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

- a. The notice shall:**
- b. Explain the nature of the application and the proposed use or uses which could be authorized;**
- c. List the applicable criteria from the ordinance and the plan that apply to**

- the application at issue;**
- d. Set forth the street address or other easily understood geographical reference to the subject property;**
- e. State the date, time and location of the hearing;**
- f. 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;**
- g. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
- h. 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;**
- i. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- j. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

The notice contained all the required information listed in FCC 10-1-1-6-3-C and were mailed to property owners within 300 feet as required with a variance request. These criteria have been met.

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

D. Action by the Planning Commission:

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

A duly noticed public hearing was scheduled for the February 14, 2023 Planning Commission meeting per the procedures of FCC 2-3 and FCC 2-10 to consider the matter, evidence relevant to the issue, the facts within the record, and any applicable public testimony received. In the event evidence is not provided by the applicant to the extent needed to make a final

recommendation, staff has recommended conditions in these findings to have this information submitted and reviewed prior to issuance of a building permit.

- E. 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.**

Following a decision by the Planning Commission, notice of the action and decision will be mailed to the applicant and any party who has testified either in writing or verbally at the public hearing.

TITLE 10: CHAPTER 5: ZONING VARIANCES

10-5-3: APPLICATION:

- B. The application for variance shall be made in writing to the Planning Commission by the owner(s) of the land in consideration or their agent(s), duly authorized in writing.**

An application for a variance request was received in writing by Lisa Von Wald in writing on December 15, 2022 and was deemed complete on December 20, 2022. The required setback from the riparian area is 25 feet and the proposed ramada and covered deck are approximately 9 feet 3 inches from the top of the cut bank and the nearest point (south west corner of the 5th wheel/ramada). Therefore, the applicant is requesting a 63% reduction in the required setback from the riparian area. This criterion is met

10-5-4: APPROVAL CRITERIA:

- A. General: An application for an adjustment or variance must describe in detail:**
- 1. The practical difficulties and physical hardships involved.**
 - 2. Existing conditions on the site.**
 - 3. Reasons for the proposed adjustment or variance being the most practicable solution to the problem.**
 - 4. A sight plan, drawn to scale, showing the dimensions and arrangement of the proposed development in comparison to the existing standard(s). 5. Any other pertinent information requested by the Planning Director or Planning Commission.**

All required information was provided on the application and will be discussed in detail. This criterion is met.

C. Variances: The Planning Commission may grant a variance to a regulation prescribed by this Title and may attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

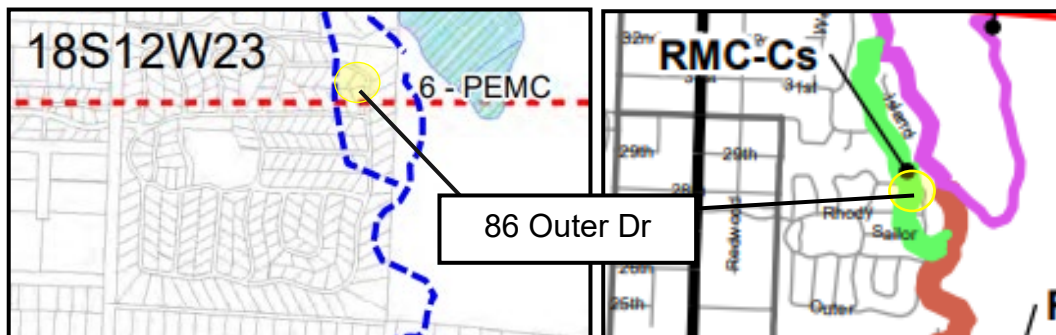
- 1. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.**

Strict or literal interpretation and enforcement of required setbacks on the subject lot would not provide adequate contiguous area to develop an alternative site for a dwelling as will be discussed in more detail later in these Findings. The lot previously had a ramada and covered deck in the same location as proposed through this variance application and is anticipated to have minimal to no impact on the riparian area. Therefore, requiring a dwelling to be developed at another location on this lot would cause unnecessary physical hardship by potentially causing increased disturbance to native vegetation on the lot, require a smaller dwelling, removal of other pre-existing structures on the lot, or possibly render this lot effectively unusable for the intended purpose as a residential lot. All structures currently existing and proposed meet the intent and purpose of this lot under FCC 10-29. This criterion is met.

- 2. One of the following:**

- a. 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**

The subject lot has exceptional conditions present as evident by the significant riparian area on the southwest corner of the lot. FCC 10-7 discusses exceptions to the significant riparian area setbacks due to the nature of CV beginning as a campground and evolving into a permanent residential area. As can be seen in the map segments below, from the Local Wetland Riparian Inventory – 2013 [Exhibit I], the majority of the CV lots do not have the presence of a significant riparian area similar to 86 Outer Dr. This is significant to mention as exceptions were included in FCC 10-7 for lot development in the entire CV zoning district, even though the riparian area is only present on a portion of the lots on the north and east portion of CV. This criterion is met.



- b. 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.**

This variance request does not constitute a special privilege and this variance request is consistent with the purposes outlined in FCC-10-29 for the CV zoning district. In accordance with FCC 10-7-4-D regarding exceptions of development standards in wetland and riparian areas states:

- a. Replacement of lawfully created existing structures with structures in the same location that do not disturb additional wetland buffer zone or significant riparian surface area. All Coast Village structures existing on September 5, 2013 are grandfathered and qualify as "lawfully created existing structures" for purposes of this subsection. This provision supersedes the provisions for non-conforming structures in FCC 10-8.

This variance request is consistent with exception as written in code and supercedes provision for non-conforming structures. The building of the previous ramada and carport structures pre-date the current 2013 Local Wetland Inventory and current setback requirements. This code criterion is met.

- 3. 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 granting of this hardship variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. The proposed replacement of the structures is within a significant riparian area setback which does require a variance under current code, but this lot is currently developed, and the replacement structures are to be placed in the existing footprint of the legally pre-existing structures. Allowing the ramada and covered deck to be placed in the same location will pose the least impacts on this site and adjacent vicinity, opposed to developing a different portion of this lot.

This hardship variance will not increase encroachment into any setbacks on the property and the structure height will meet zoning district maximums and should therefore have minimal, if any, impacts on neighboring properties. This criterion is met.

- 4. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.**

A variance is being requested on the property located at 86 Outer Dr to replace a ramada covering a 5th wheel used as a dwelling as permitted in the underlying zoning district of CV. A variance review process is required as the location of the previous 1988 structure is partially within the 2013 designated reduced 25-foot riparian area setback of Munsel Creek Reach RMC-Cs.

Due to the unique features on the existing lot, there is no alternative to build a similar structure on the lot while meeting required setbacks of the riparian area. Therefore, a variance is the minimum necessary to address unique circumstances on the subject site, as discussed above.

The replacement structure shall be built in accordance with ORSC 2022, FCC 4-1, and obtain all required building permits [Informational 1]. As previously stated, the applicant submitted building permit applications along with this land use application. These criteria are met.

10-5-5: REVIEW REQUIRED:

B. Variances shall be reviewed through a Type III process in accordance with requirements of Section 10-1-1-6-3 of this Title.

This variance is being reviewed through a Type III process in accordance with this Code section. This criterion is met.

10-5-6: EFFECTIVE DATE: An adjustment or variance shall become effective at the close of the appeal period.

The appeal period shall follow all criteria as discussed in FCC 10-1-1-7. Once the appeal period ends this variance shall be effective.

10-5-7: EXPIRATION OF ADJUSTMENT OR VARIANCE: A. Authorization of an adjustment or variance shall expire concurrently with its associated land use approval or one (1) year after the date of approval of an application, whichever is greater, 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:

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

Planning Commission approval shall be valid for one year from this approval date, February 14, 2024, in accordance with this code section. One extension of up to 1 year may be requested in writing in accordance with this code section.

TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with wetlands or riparian areas and potential problem areas, such as natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. Compliance with these standards is required in order to obtain a permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. (Amended Ord. No. 10, Series 2009)

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

[...]

- D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.**
- E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)**

The riparian area on the subject lot is present on the Significant Riparian Reaches Map in Appendix A. Table 8 of I 2013 City of Florence Significant Wetlands and Riparian Corridor Plan identifies the riparian area for RMC-CS as 25 feet with Table 10 establishing a significant riparian width of 50 ft. for RMC-Cs. A 50% reduction is permitted to the 50 ft. buffer area for this reach. A hardship variance is permitted for certain instances when the reduction setback cannot be met.

10-7-4: DEVELOPMENT STANDARDS FOR WETLANDS AND RIPARAIN AREAS:

- A. Purpose: Significant wetlands, and their related wetland buffer zones, and significant riparian corridors provide hydrologic control of floodwaters; protect groundwater and surface water quality; provide valuable fish and wildlife habitat, including habitat for andromous salmonids; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks and shorelines; and provide educational and recreational opportunities. It is recognized that not all resources will exhibit all of these functions and conditions. The purpose of this Subsection (FCC 10-7-4) is to protect significant wetlands, wetland buffer zones, and significant riparian corridors in order to:**
 - 1. Implement the goals and policies of the Comprehensive Plan;**
 - 2. Satisfy the requirements of Statewide Planning Goal 5 and ensure consistency with adopted City Stormwater requirements in Florence City Code Title 9 Chapter 5;**
 - 3. Safeguard the City's locally significant wetland and riparian areas, especially the flood control and water quality functions these areas provide for the community;**
 - 4. Safeguard fish and wildlife habitat;**
 - 5. Safeguard water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;**
 - 6. Safeguard the amenity values and educational opportunities for City's wetlands and riparian areas for the community; and**
 - 7. Improve and promote coordination among Federal, State, and local agencies regarding development activities near wetlands and riparian areas.**

B. Applicability:

1. **Affected Property: The procedures and requirements of the Significant Wetland and Riparian Area Standards:**
 - a. **Apply to any parcel designated as having a Significant Goal 5 Wetland or Significant Goal 5 Riparian Corridor, and Significant Wetland Buffer Zones, as defined in FCC Title 9 Chapter 5 and FCC Title 10 Chapter 2. Significant Goal 5 wetlands and significant riparian corridors are mapped in Appendix A of the 2013 Inventory and Tables 2.1 and 2.2 and the Significant Wetland and Riparian Reaches Maps in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), as amended, in Comprehensive Plan Appendix 5, which is adopted into this Code by reference.**
 - b. **Apply in addition to the stormwater standards in FCC 9-5-3-3-F (incorporated herein) and the standards of the property’s zoning district, except that the required setbacks in this subsection are not in addition to the required setbacks in the underlying zone. Where conflicts exist between this subsection and the underlying zoning district, this subsection shall apply.**
2. **Applicability to properties adjacent to the side channel of Munsel Creek (Reach RMCCs in the 2013 Inventory). These properties are subject to special setback reductions and provisions, as set out below, due to the unique development patterns and history of the area. These special provisions are supported by, and explained in, the Economic, Social, Environmental, and Energy (ESEE) Analysis and Limited Protection Program (ESEE Analysis) in Chapter 3 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan in Appendix 5 of the Comprehensive Plan. The ESEE Analysis is adopted as part of the Comprehensive Plan and is incorporated herein by reference.**

[...]

86 Outer Dr, located in CV has been identified as having a significant riparian area located on the property, the side channel of Munsel Creek—RMC-Cs. The 2013 Florence Significant Wetlands and Riparian Corridors Plan lists the required set back from the side channel as 50 feet. Code below permits a 50% reduction for Coast Village properties. The required setback is then stated to be 25 feet as permitted in “K1b”. This code section is applicable to this application.

C. Activities Subject to Standards and Requirements: Activities subject to the Special Development Standards in this subsection shall include the following, unless specifically exempted by Code

[...]

2. **New structural development;**

[...]

The applicant is proposing replacement of a previously existing structure with the same footprint as previously existed. This will be a new structure development, but no additional impervious surfaces or increase in foot print are proposed with this application. Because this is a new structure development it is subject to the standards and requirements of this Code section.

D. Exemptions:

- 1. Only the following uses and activities in significant riparian corridors or wetland buffer zones are exempt from these Significant Wetland and Riparian Area Standards, provided: the uses and activities are designed and constructed to minimize intrusion into the buffer zone; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained:**
 - a. Replacement of lawfully created existing structures with structures in the same location that do not disturb additional wetland buffer zone or significant riparian surface area. All Coast Village structures existing on September 5, 2013 are grandfathered and qualify as “lawfully created existing structures” for purposes of this subsection. This provision supersedes the provisions for nonconforming structures in FCC 10-8.**

[...]

There was a lawfully created, ramada structure on the property to protect the park model used as a dwelling, built in July 1988 and another permit was pulled for the covered deck in 2004 [Exhibit D]. The previous structures were lawfully created prior to September 5, 2013, but the pre-existing, non-conforming approval was voided with voluntary removal of the structures. This application is therefore not exempt from the requirements of this code section and is being processed as a hardship variance application.

- E. Agency Review: Decisions made by the City of Florence under this title do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the land owner to ensure that any other necessary state or federal permits or clearances are obtained. In particular, state and federal mitigation requirements for impacts associated with approved water-related or water- dependent uses may still be required.**

Oregon Department of State Lands was notified of potential work in the riparian area on January 12, 2023. As of the writing of these findings only a confirmation of submittal has been received [Exhibit E]. This criterion is met.

- F. General Development Standards and Requirements: When development is proposed that is subject to these standards, the property owner is responsible for the following. Figure 1 below is a cross section illustrating terms used in the discussion of wetland and riparian setbacks defined in Oregon Statewide Planning Goal 5.**

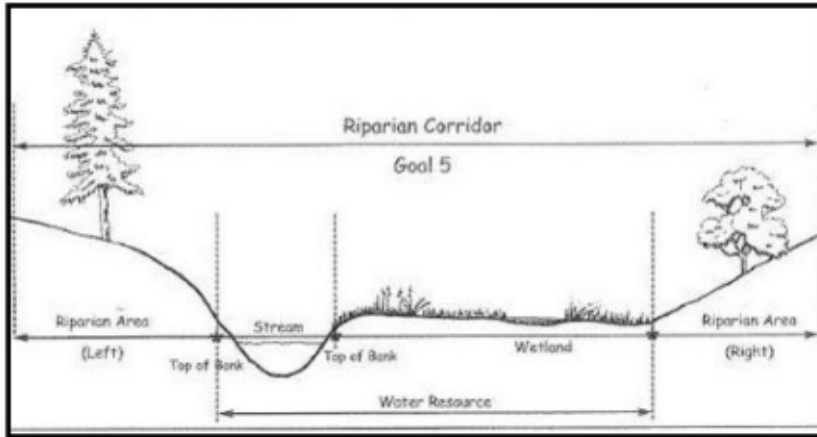


Figure 1: Downstream cross section illustrating terms used in Statewide Planning Goal 5. Source: *Urban Riparian Inventory and Assessment Guide*, Oregon Department of State Lands, 1998.

1. Determination of Significant Wetland and Riparian Area Boundaries.

[...]

- b. For significant riparian corridors, the width of the corridor boundary is the “significant riparian width” in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridor Plan in Comprehensive Appendix 5.
- c. For significant riparian corridors, the boundaries of the riparian corridor will be measured and shown on an approved site plan. The City shall maintain maps of regulated riparian areas, and make them available to the public. These maps will be used to identify the extent of the riparian area unless the applicant can demonstrate through detailed inventory information (including maps, photos, and Lane County aerial photos showing the location and species of vegetation growing in the disputed area) that the city’s maps are in error. For purposes of making these measurements, the following shall apply:
 - i. Riparian buffer zones are measured horizontally from the top of bank. The top of the bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of bank.
 - ii. If the top of bank is not identifiable, the riparian buffer zones are measured horizontally from the line of ordinary high

water. In a given stream, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually and identified in the field by physical characteristics that include one or more of the following:

- a. A clear, natural line impressed on the bank
- b. Changes in the characteristics of soils
- c. The presence of water-borne litter and debris
- d. Destruction of terrestrial vegetation

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data are available.

The site plan indicating the riparian area and creek location [Exhibit C, image below] was performed by the applicant/property owner and David Cox who serves on the Architectural Review Committee in CV. During as site visit by City staff on January 25, 2023 the channel was observed to be in the approximate location as indicated on the site plan using “a. A clear, natural line impressed on the bank” was present and used as a reference for the top of bank. It should be noted that the area had received heavy rain for several days prior to the site visit. These criteria are met.



2. Preparation and submission of a site plan (vegetation clearing permits are also subject to the submission requirements in FCC Title 4 Chapter 6) that shows:

- a. The wetland boundary or the top of bank of the riparian corridor,
- b. The significant riparian corridor width or the wetland buffer zone,
- c. The footprint of the proposed structure measured from the riparian corridor boundary or wetland buffer zone edges,
- d. Any requested setback adjustments as measured from the edge of the wetland or riparian corridor boundary,

- e. **The type and location of dominant existing native plants that would be displaced, and**
- f. **The type of native plants to be planted and the location where they will be replanted.**

All required information on the structure size, location, and riparian corridor were included on the submitted site plan. The replacement ramada structure at 86 Outer Dr is proposed and anticipated to have the same footprint and location as the previous, similar structure. Because of the location and using the same footprint there is anticipated to be minimal impact to the riparian area on the property and there is not anticipated to be impacts to surrounding vegetation. No vegetation clearing shall take place in the riparian area on this lot and erosion and sediment control measures shall be used throughout construction to prevent debris from entering the creek using the “Erosion Prevention and Sediment Control Practices for Single Family Residences and Small Projects” brochure available from the City [Condition 4.1].

Dominate existing vegetation was not included, but was not required as no vegetation removal is proposed or anticipated. If vegetation is removed or destroyed during construction it shall be replanted in the same density as removed with native species at the sizes listed from the Tree and Plant List [Condition 4.2]. This criterion is met or conditioned to be met.

- 3. **It is prohibited to permanently alter a significant wetland by: the placement of structures or impervious surfaces; or by the removal of native vegetation; or by grading, excavation, placement of fill, or vegetation removal (other than perimeter mowing and other cutting necessary for hazard prevention), except as follows:**
 - a. **Where full protection of the Significant Wetland renders a property unbuildable, as defined in the definitions in Title 10 Chapter 2 of this Code; or**
 - b. **Public facilities identified in the City’s Public Facility Plan, Appendix 11 of the Comprehensive Plan, as amended, may be installed in significant wetlands or riparian areas, provided that the facilities are designed and constructed to minimize intrusion into the wetland or riparian are; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained.**

The subject lot would be largely unbuildable due to the presence and location of the riparian corridor. Therefore, this subject lot is eligible for an exemption under this Code section. As previously discussed, the replacement structure proposed through this hardship variance process is proposed to be in the same location with the same footprint as the previous structure. No additional intrusion into the riparian area is proposed. This criterion is met.

- G. **Stormwater Quality: As provided in FCC 9-5-5-3-F and the Code Definitions in FCC 10-2, significant wetlands over ½ acre and significant streams are “sensitive areas” that shall be protected by a buffer zone of native, undisturbed vegetation. The outer boundary of the buffer shall be determined by a minimum 50-foot setback from the edge of the significant wetland; for significant riparian areas, the buffer zone shall be the significant riparian width identified in the 2013 Inventory**

and the 2013 City of Florence Wetlands and Riparian Corridors Plan. The width and nature of protection required within the buffer may change as the Endangered Species Act and other state and federal regulations are promulgated. The City requires that the buffer width meet all state and federal requirements.

No land disturbing activities, structures, development and construction activities, gardens, lawns, application of chemicals, pet wastes, dumping of any kind of materials shall be permitted within the buffer zone, except as noted below:

[...]

As previously discussed, no additional impact is anticipated to the riparian corridor and no vegetation removal in the riparian corridor is anticipated or proposed.

H. **Additional Statewide Planning Goal 5 exceptions:** The following exceptions are in addition to the exceptions in G, above. Consistent with Statewide Planning Goal 5 [OAR 660-023-0090 (8) (a)], the permanent alteration of significant riparian areas by grading or the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:

[...]

2. **Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and**

The applicant is proposing replacing a previously existing structure in the same location with the same foot print, without disturbing additional riparian surface area consistent with this code section. This code criterion met.

3. **Removal of non-native vegetation and replacement with native plant species.**

No vegetation is being proposed to be removed as part of this application or review process. During construction measures shall be taken to ensure the protection and survival of all native plant species.

I. **Removal of native vegetation:** In accordance with Goal 5, removal of vegetation from a significant riparian corridor is prohibited, except as otherwise provided in these Wetland and Riparian Standards and in FCC 4-6-3 and for the following:

[...]

As previously discussed, the applicant is not proposing removing vegetation and none is anticipated as the replacement ramada will be in the same location as the previously existing ramada. Replanting shall be required if any vegetation is removed or destroyed during construction [Condition 4.2].

J. Special Provisions for the Munsel Creek Side Channel: The following special provisions apply to properties in the significant riparian corridor of the Munsel Creek Side Channel (Reach RMC-Cs in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan). These provisions are in addition to, or provide relief from, the other standards in this subsection, and where conflicts exist, this section shall prevail.

1. In addition to the other setback adjustments and Variances allowed by this subsection, a 50% setback adjustment to the required 50-foot significant riparian width for properties along the Munsel Creek Side Channel will be permitted in order to allow new or expanded development to build up to 25 feet from the top of bank of the creek, as long as any native plants disturbed by the development are replaced elsewhere in the buffer zone, subject to the following exceptions and procedures:
 - a. Properties in Florentine Estates PUD that were granted a reduced setback by the Planning Commission prior to October 5, 2013 are deemed to comply with the standards in this subsection and do not need to apply for this setback adjustment.
 - b. The setback adjustment for other affected properties shall be granted through the Type II Review process in 10-1-1-6-2.
 - c. The applicant shall be granted the setback reduction upon demonstration that any native vegetation displaced by the development shall be replanted in the remaining buffer zone (shrub for shrub, tree for tree, etc.)
 - d. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide. Staff from the Siuslaw Watershed Council and Soil and Water Conservation District are available to provide property owners with technical assistance with native plant identification and guidance on replanting.

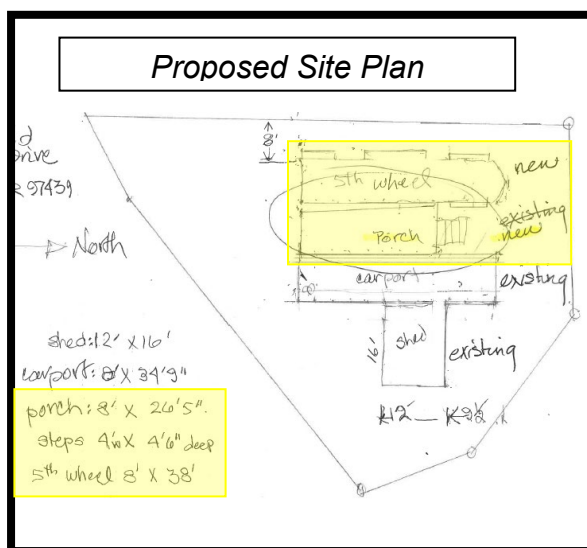
The subject property is approved for a 50% reduction in the 50-foot setback in accordance with this code section. However, even with the reduced setback of 25 feet, the applicant is unable to rebuild a similar structure on this lot due to the constraints of the significant riparian area, location of the pre-existing porch and carport, and lot size and width. The replacement of the structure meets the purpose and intent of the Code and is not proposed, or anticipated to impact the significant riparian area more than the previously existing structure. A setback adjustment is required in accordance with the below criteria.

K. Setback Adjustments: The following reductions in setbacks shall be allowed for properties affected by the significant wetland and riparian area standards as set out below:

1. **Eligibility for setback adjustment.** Property owners affected by these significant wetland and riparian corridor standards shall be eligible for setback adjustments as follows:

- a. **Single family dwellings: when the significant wetland or significant riparian corridor standard or requirement is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet.**
- b. **For the Munsel Creek side channel: the “required setback” for the purpose of eligibility for the setback adjustment is the reduced setback allowed in subsection “J” above.**

The applicant has demonstrated that no contiguous spaces exist on this lot for a similar structure on this lot outside of the significant riparian area. The applicant is proposing replacement of a covered deck dimensioned as 8' by 26'5" and ramada/5th wheel dimensioned as 8' ft. by 38' ft. These two structures are connected with combined dimensions of 16' by 38'. These uses are similar to previous structures and meets the intent and purpose of this code section. The applicant shall be granted approval for replacement of the structure, but replacement structures shall not project further into setbacks than the previous ramada and covered deck structures [Condition 4.3]. The criterion is met or is conditioned to be met.



2. If the required setback or standard for the significant wetland or riparian corridor is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet, then a primary dwelling, this size or less, shall be permitted to intrude into the setback area in accordance with the standards of this subsection. Any Code requirements of the applicable zoning district (such as required garages) that would necessitate intrusion into additional riparian area shall not apply.

Due to the location of the significant riparian area on the subject lot there is no contiguous space that would allow for a dwelling unit of the size proposed of 8' x 38' and 8 x 26' 5" which combined is smaller than the 50' x 27' discussed in this code section. It is determined that the unique constraints beyond the property owners' control would prevent the replacement of the previously existing structure. The applicant shall be granted approval for the replacement structure to project into the required setback from the riparian area, but is not allowed to project further than the previously existing structure [Condition 4.3]. This criterion is either met or is conditioned to be met.

- 3. If the proposed primary dwelling will be more than 20 feet from a significant wetland or stream, the adjustment application shall use the Type II Review process in FCC 10-1-1-6-2.**

The proposed replacement structure will be within 20 feet from a significant wetland or stream and is therefore not eligible for a Type II review process.

- 4. If a proposed primary dwelling will be built within 20 feet of a significant wetland or stream, a Hardship Variance from the Planning Commission shall be required in accordance with Florence City Code Title 10 Chapter 5.**

The proposed primary dwelling is proposed to be built within 20 feet of a significant stream and therefore a Hardship Variance from the Planning Commission is required. The applicant has requested such a Hardship Variance. This criterion is met.

L. Hardship Variances: A variance to the provisions of this subsection shall be granted by the Planning Commission in accordance with the procedures in Florence City Code Title 10 Chapter 5 only as a last resort and is only considered necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this title.

- 1. Eligibility. An application for a hardship variance from the provisions of this subsection shall be available upon demonstration of the following conditions:**
 - a. Siting of a primary dwelling 50 feet by 27 feet or less requires intrusion into the significant wetland buffer zone or significant riparian corridor within 20 feet of a significant wetland or stream; or**
 - b. Strict adherence to the applicable standards or requirements of this subsection would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.**
 - c. Due to unique circumstances and historic development patterns outside the control of the property owners, the Variance fee for this application shall be waived for affected Coast Village properties.**

The subject property is within CV and as such qualifies for a hardship variance with fees waived. The applicant has provided a site plan indicating the required setback from Munsel Creek on the property and that this lot would be unbuildable if not allowed to rebuild the ramada in the previous location. This criterion is met.

- 2. The following additional standards shall apply:**
 - a. Demonstration that the intrusion into the setback must be the minimum necessary;**

There is no proposed additional intrusion into the setback, as previously discussed. This criterion is met.

- b. Demonstration that any native vegetation displaced by the development will be replanted in the remaining significant wetland buffer zone or riparian corridor. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide; staff from the Siuslaw Watershed Council and Soil and Water Conservation Service are also available to provide property owners with technical assistance with native plant identification and guidance on replanting.**

As previously discussed, no native vegetation is anticipated to be removed or destroyed. Any removed or destroyed native vegetation shall be replanted with similar native vegetation and similar size [Condition 4.2]. This criterion is met or is conditioned to be met.

- c. Permanent alteration of the Significant Wetland or Riparian Area by an action requiring a variance is subject any mitigation requirements imposed by federal and state permitting authorities.**

No additional alteration or action in the riparian area is anticipated or proposed. This criterion is met.

- d. In granting a Variance, the Planning Commission shall impose conditions of approval that address all of the following criteria:**
 - i. The site plan and application shall document the location of the impact, the existing conditions of the resource prior to the impact, and detailed planting plan for the approved setback area with dominant native plant species and density, and a narrative describing how the impacted resource will be replaced and approved setback area restored.**

A site plan was submitted as part of this application indicating the previous structure location and the proposed structure location. No destruction or removal of native vegetation is anticipated, replanting has previously been discussed. This criterion is met.

- ii. Invasive vegetation shall be removed from, and native vegetation planted in, the approved setback area, with a minimum replacement ratio of 1:1 for the impacted area.**

No vegetation is proposed to be removed. If there is invasive vegetation in the riparian area on the lot it shall be removed and replaced with native vegetation in accordance with this code section [Condition 4.4]. This criterion is met.

- iii. **Herbicides and pesticides not approved for use in buffer zones or riparian areas is prohibited in the approved setback area.**

No vegetation is proposed to be removed and no use of herbicides or pesticides is anticipated to be used in the riparian area. This criterion is met.

[...]

TITLE 10: CHAPTER 29: COAST VILLAGE

10-29-1: PURPOSE: The Coast Village District is intended to provide a quality environment for residential uses and other compatible land uses within the Coast Village development. Coast Village began as a campground and has evolved into a residential community that accommodates permanent and seasonal residents; it is a unique residential community that allows a blend of recreational vehicles and conventional single-family homes, surrounded by greenbelt buffers between each lot to maintain a park-like setting.

10-29-3: PERMITTED BUILDINGS AND USES:

- A. One permanent or temporary dwelling per lot.**

One dwelling unit in the form of an 5th wheel is present on the lot. This criterion is met

- B. In addition to the dwelling allowed by A (above), one mobile structure may be permitted for use as guest quarters for up to six months in a twelve month period, if there are at least two parking spaces on a lot in addition to the parking area for the mobile structure.**

No mobile unit is proposed for guest quarters. This criterion is not applicable.

- C. Accessory structures such as ramadas, cabanas, patio slab, carport or garage and multipurpose/storage buildings, when built on a lot in conjunction with A above.**

The applicant is requesting to replace a previously existing ramada on the lot to cover and protect the 5th wheel used as a dwelling and to rebuild the covered deck. This request is consistent with allowed uses in Coast Village. This criterion is met

[...]

10-29-5: LOT AND YARD PROVISIONS:

[...]

- B. Lot Coverage: The maximum coverage by all enclosed structures shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all impervious**

areas, including all structures and paved surfaces (excepting Home Owner Association streets and roads encroaching on private lots) shall not exceed sixty five percent (65%) of the lot area.

The applicant is proposing rebuilding an existing ramada and covered deck. There is no proposed increase in lot coverage. The lot coverage is outlined in the table below

Use	Dimensions	Sq Ft
Shed	12 x 16	192
Carport	8 x 34.75	278
Covered Deck	8 x 26.42	211.36
Stairs	4 x 4.5	18
Ramada	8 x 38	304
Total		1003.36

Lot Area in sq ft	5227
Building Coverage in sq ft	1003.36
% of lot covered	~19%

The lot coverage is below maximum allowed lot coverage. These criteria are met.

C. Yard and Buffer Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and buffer regulations shall be indicated below:

- 1. Front Yards: All dwellings and structures shall be set back at least twenty feet (20') from the front property line unless the street pavement encroaches onto the lot, then the dwelling portion of the structure may be setback a minimum of ten feet (10') from the closest edge of pavement and the garage or carport shall be set back twenty feet (20') from the closest edge of pavement.)**



- 3. Rear Yards: A greenbelt buffer of not less five foot (5') shall be maintained on the rear yard of a lot. All dwelling units shall be set back not less than ten feet (10') from the rear property line, and a three foot (3') clearance shall be maintained between the greenbelt and dwelling for fire safety. Non-residential accessory structures shall be set back not less than five feet (5') from the rear property line.**

The site plan does not indicate the setback, however based on the scale used the structure is at least 16 feet from the rear property line, exceeding minimum requirements. At a site visit on January 25, 2023 the 5th wheel was measured to be ~8 feet from the greenbelt vegetation on the rear property line, exceeding minimum requirements. The applicant shall maintain the minimum 5' greenbelt buffer on the rear yards and the minimum 3' clearance between the dwelling and the greenbelt for fire safety in accordance with this code section [Condition 5.1]. This criterion is met.

- 4. Propane Tank Setbacks: Unless otherwise stipulated by the fire code, propane tanks shall be set back not less than three feet (3') from all greenbelts and vegetation.**

As mentioned in the referral comments by Chief Schick, 2022 Fire Code requires a minimum 10-foot clearance from a propane tank and vegetation. A mechanical permit for the existing propane tank was issued to suburban propane on November 10, 2022. The Building Official issued the Stop Work Order prior to the final inspection. Because this propane tank is new, neither the tank or location qualifies as a pre-existing condition. The propane tank was installed 5 feet from the property line, which does not meet minimum setback requirements in accordance with this code section or current Fire Codes. The propane tank shall be moved to a location on the site that meets minimum 2022 Fire Code requirements in accordance with Chief Schick's comments and minimum setbacks for CV [Informational 2]. This criterion is conditioned to be met.

10-29-6: SITE DEVELOPMENT PROVISIONS:

- A. Building or Structural Height Limitations: All structures are limited to a single story and shall not exceed sixteen feet (16') in height.**

The proposed structure is a single story and is proposed to be 14 feet at the highest point. However, during the site visit the post from grade level to top of the post was measured at 13 feet. During plan review for building permits this shall be reviewed for code compliance.

[...]

- F. Landscaping: A five foot (5') greenbelt buffer consisting of natural vegetation shall be maintained on the side and rear yards of a lot in order to provide screening and privacy between adjacent lots. The green belt buffer shall consist of sight-obscuring natural vegetation at least six feet (6') high, except as necessary to accommodate vision clearance requirements.**

No landscaping changes are proposed. No part of this hardship variance approval shall be interpreted to allow modifications to greenbelt requirements on this lot.

G. Applicable Building and Fire Codes shall be met.

Applicant shall refer to Informationals 1 and 2 for details and requirements regarding the Building and Fire Code requirements.

H. Lighting: Refer to Section 10-37 of this Title for Requirements

No lighting was proposed as part of this application. All exterior lighting on this property shall be in compliance with dark skies lighting requirements in accordance with FCC 10-37 by or before January 1, 2025 [Informational 3]. This criterion is met

FLORENCE REVITALIZATION 2020 COMPREHENSIVE PLAN

Goal: To conserve natural resources such as wetlands, riparian areas, groundwater supplies, air and water, and fish and wildlife habitat in recognition of their important environmental, social, cultural, historic and economic value to the Florence area and the central Oregon Coast.

Policies:

- 3. In accordance with ORS 215.418, the City and County shall notify DSL when wetlands are present on a property that is subject to a local land use or building permit approval. The City shall notify DSL when riparian areas are present on a property that is subject to a local land use or building permit approval.**

There is a significant riparian area present on the subject. A Wetland Use Notification was submitted to DSL on January 12, 2023 in accordance with this policy. A response was received from Jessica Salgado from DSL on February 9, 2023 that stated “Based on the submitted site plan, the proposed project (“ramada replacement”) does not appear to impact Munsel Creek or jurisdictional wetlands on-site.” This criterion has been satisfied.

- 7. The City shall include a procedure in the Code to consider hardship variances, claims of map error, and reduction or removal of the restrictions for any existing lot of parcel demonstrated to have been rendered unbuildable by application of the significant wetlands and riparian areas standards in the Code.**

The City has included a procedure in Code to consider hardship variances for lots such as this, that would be rendered unbuildable if significant riparian area setback were required to be met. The City is completing a review process in accordance with applicable procedures in Code.

CONCLUSION:

The pre-existing, no-conforming use of this structure was voided with the voluntary removal of the previous ramada and covered deck structure. The applicant has proposed replacement of the structures with similar structures that meet property line setbacks height, and permitted use requirements under the review criteria listed at the beginning of these findings. Because of challenges present on this lot, and beyond the control of the property owner, a hardship variance is the minimum measure available to allow for replacement of the structures on this lot.

The purpose of establishing the Coast Village Zoning District was to provide challenging lots, such as 86 Outer Dr, a pathway to be made buildable. The ramada and covered deck shall be allowed to be replaced in the previous footprint, with no increased projection into the riparian area, as proposed. This hardship variance meets the purpose and intent of FCC 10-29, 10-7 and 10-5.

VI. ATTACHMENTS

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

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

"A"	Findings of Fact
"B"	Application and Site Plan
"C"	Email Received Dec 20, 2022
"D"	Building Files
"E"	Wetland Use Notification
"F"	Complaint Pictures Received REMOVED
"G"	Site Visit Pictures Jan 25, 2023
"H"	Referral Comment- SVFR
"I"	Local Wetland Inventory and Riparian Reaches Maps

Received

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



FLORENCE PUBLIC WORKS
www.ci.florence.or.us

EXHIBIT B
Planning Department
planningdepartment@ci.florence.or.us

Clare Kursh
2675 Kingwood Street (Temporary Location)
Florence, OR 97439

541-997-8237
(fax) 541-590-4106

December 15, 2022

Type 1 General - Application & Zoning Checklist

Applicant Information

Name: Lisa Von Wald Phone 1: [REDACTED] Phone 2: [REDACTED]
Mailing Address: [REDACTED] Email Address: [REDACTED]
Signature: Lisa Von Wald Date: 12/15/2022

Property Owner Information

Name: same as applicant - Lisa Von Wald Phone 1: [REDACTED] Phone 2: [REDACTED]
Mailing Address: [REDACTED] Email Address: [REDACTED]
Signature: Lisa Von Wald Date: 12/15/2022

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.

Property Information

Site Address: 86 Outer Drive, Florence
Assessor's Map No.: 18 - 12 - 23 - 31 Tax lot(s): 22100
Zoning District: Coast Village Overlay: Medium Density Residential

Conditions & 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 an off-site conditions map (FCC 10-1-1-4-C-3): Residential + Riparian

General Description of Proposal: Replace old trlr + addition with newer, similar separate additn, within footprint of previous development.

For Office Use Only: File #: <u>PC 22 24 VAR 01</u>	PAID: <u>Waiver per</u> <u>FCC 10-7-4 L 1 c</u>	Approved: Yes / Yes, with Corrections / No Notes: By:
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Version: 10/2019

City of Florence Building Permit Application

250 Highway 101 Florence, OR 97439
Phone 541-997-2141 / Fax 541-997-4109

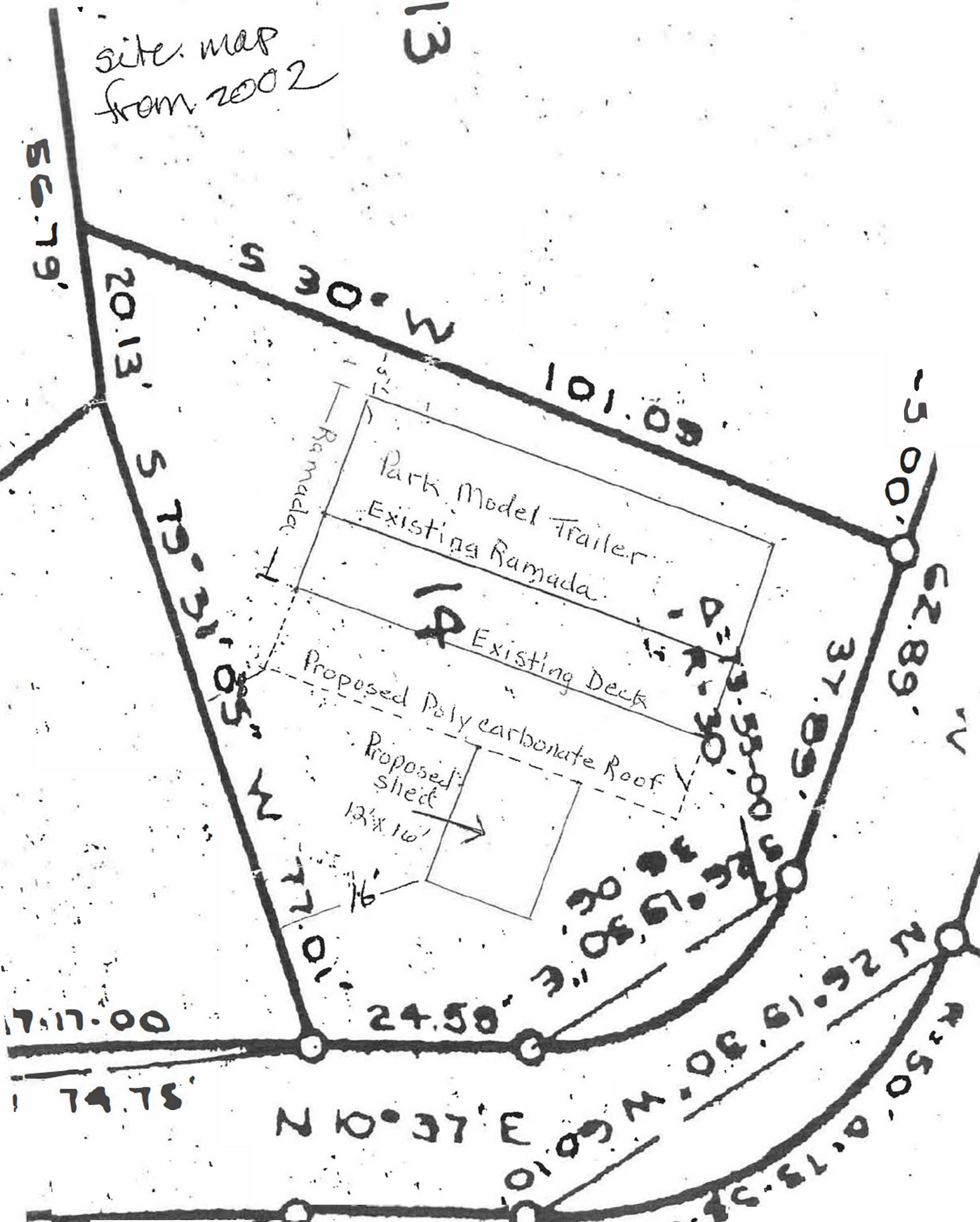
Building Inspection Line 541-997-2141 Ext.

Is the project governed by applicable CC&Rs or HOA approval? No. Yes, approval obtained. Yes, approval pending.

Job Address: <u>86 Outer Drive</u> / Impervious Surface% _____ / Enclosed Buildings% _____	
<input type="checkbox"/> 1 & 2 Family dwelling or accessory <input type="checkbox"/> Commercial/Industrial <input type="checkbox"/> Multi-family <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Demolition <input type="checkbox"/> Other <input checked="" type="checkbox"/> Addition/alteration/replacement <input type="checkbox"/> Tenant improvement <input type="checkbox"/> Fire sprinkler/alarm <input type="checkbox"/> Plumbing <input type="checkbox"/> Mechanical <input type="checkbox"/> Manufactured Home	
Map number: <u>18.12.23</u> Tax Lot: <u>44</u> Sub.: <u>22</u>	Description of Work: <u>modify carport roof,</u>
Description Cont: <u>raise deck level, add porch, add patio cover</u>	Contractors Bid or Valuation Amount: \$ _____
	Commercial Mechanical Bid Amount: \$ _____
OWNER	
STAFF-Planning Department	
Name: <u>Lisa Von Wald</u>	<u>Office Use</u>
Mailing address: _____	Subdivision _____
	Lot# _____ Tax Lot # _____
	Map # _____ Zone _____
	Lot Size In square feet _____
	Use Permitted In this Zone <input type="checkbox"/> Yes <input type="checkbox"/> No
	Historic Review Required <input type="checkbox"/> Yes <input type="checkbox"/> No
	Flood Plain <input type="checkbox"/> Yes <input type="checkbox"/> No
	Set Backs—Front _____ Back _____ Side _____
	Side Of Corner Lot _____
	Airport Zone <input type="checkbox"/> YES <input type="checkbox"/> No
	State Highway Involvement <input type="checkbox"/> Yes <input type="checkbox"/> No
	Special Site or Parking Requirements: <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES ATTACH COPY TO PLANS
APPLICANT	
Name: <u>Lisa Von Wald, owner</u>	
Mailing Address: _____	
City: _____	State: _____ Zip: _____
Ph: _____	Fax: _____ Cell: _____
CONTRACTOR / Installer	
Business name: <u>owner</u>	
Address: _____	
City: _____	State: _____ Zip: _____
Ph: _____	CCB# _____ Flo. City Lic: _____
Email: _____	
ARCHITECT / DESIGNER / ENGINEER	
Name: _____	
Address: _____	
City: _____	State: _____ Zip: _____
Ph: _____	Fax: _____
ELECTRICAL CONTRACTOR	
Name: _____	
Address: _____	
City: _____	State: _____ Zip: _____
Ph: _____	CCB# _____ Supervisor # _____
Email: _____	
I hereby certify I have read and examined this application and the attached checklist. All provisions of laws and ordinances governing this work will be complied with, whether specified herein or not.	
Authorized signature: <u>Lisa Von Wald</u>	
Print name: <u>Lisa Von Wald</u>	Date: <u>12/19/22</u>
PLUMBING CONTRACTOR	
Business name: _____	
Address: _____	
City: _____	State: _____ Zip: _____
Ph: _____	CCB# _____ Flor. City Lic: _____
MECHANICAL CONTRACTOR	
Business name: _____	
Address: _____	
City: _____	State: _____ Zip: _____
Ph: _____	CCB# _____ Flor. City Lic: _____
Notice: All Contractors and Subcontractors SHALL be licensed with the Oregon Construction Contractors Board under provisions of ORS 701. And have a current City of Florence Business License.	
Notice: This permit application expires if a permit is not obtained within 180 days after it has been accepted as complete.	

site map
from 2002

13

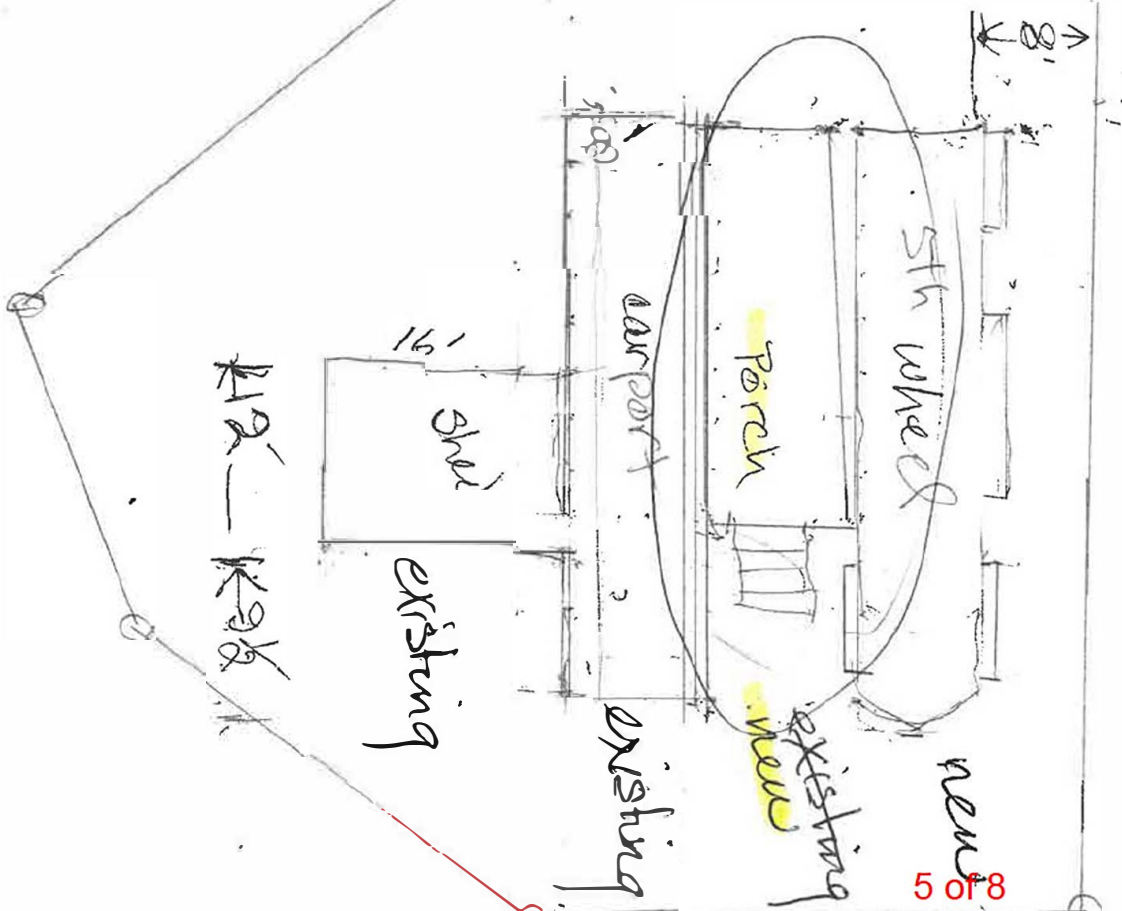


Lisa Von Wald
86 Outer Drive
Lot 86
Flareway OR 97439



- shed: 12' x 16'
- carport: 8' x 34' 9"
- porch: 8' x 26' 5"
- steps 4' 1/2" x 4' 6" deep
- 5th wheel 8' x 38'

1" = 12'



North wall of porch



Exterior walls
will have smart
siding

Walls 2x4 Frame
Ceiling 2x6 Frame

West

57' 2" 90

92" 90

48"

37 1/2"

20"

25' Metal Roof

25' of

12'

4/12 Metal Roof
Tall Roof

9'

12'

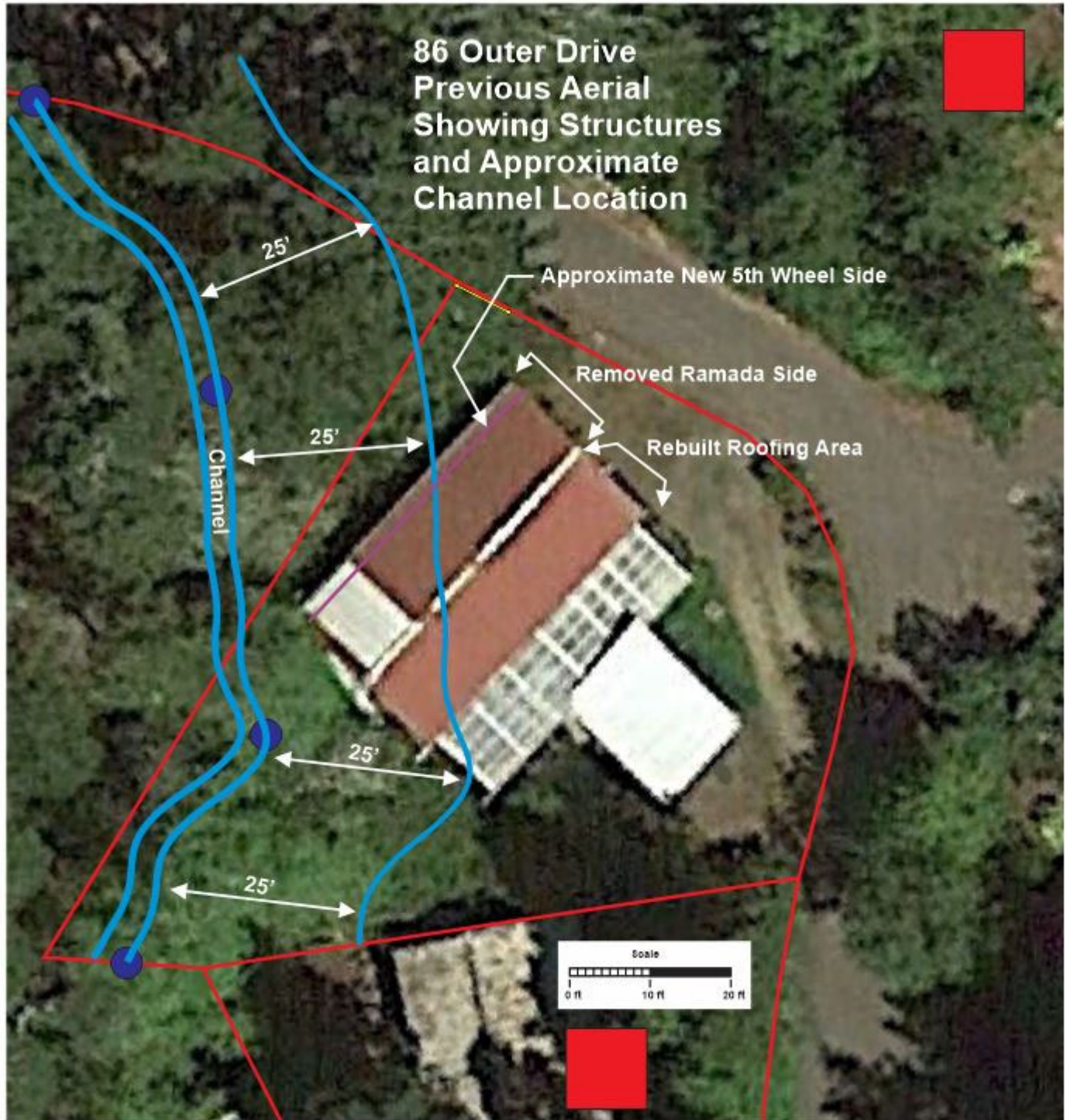
Clare Kurth

From: lisa von wald [REDACTED]
Sent: Tuesday, December 20, 2022 12:35 PM
To: Planning Department
Subject: 86 Outer Drive, Florence

Clare Kurth, David Mortier:

Attached is site map photo of 2021 structures and channel showing approx 25' setback lines.

If more details are needed please let me know. I'm putting more details on a map in progress.

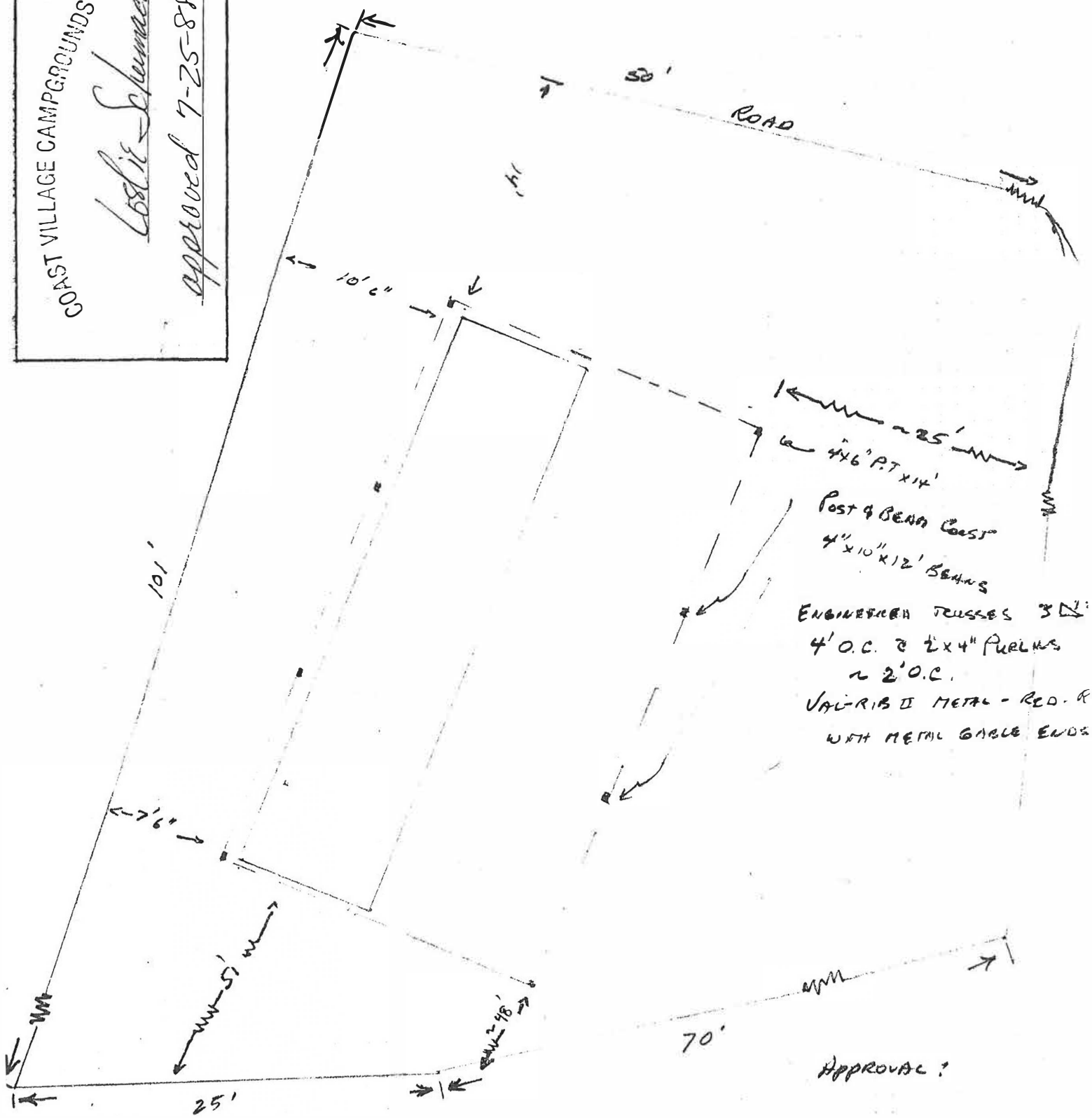


lisa jvw

Troy Harley
BLK 10 Lot 14

CONSTRUCT RAMADA MEASURING
20' x 36'

COAST VILLAGE CAMPGROUNDS
Costie Schumacher
approved 7-25-88



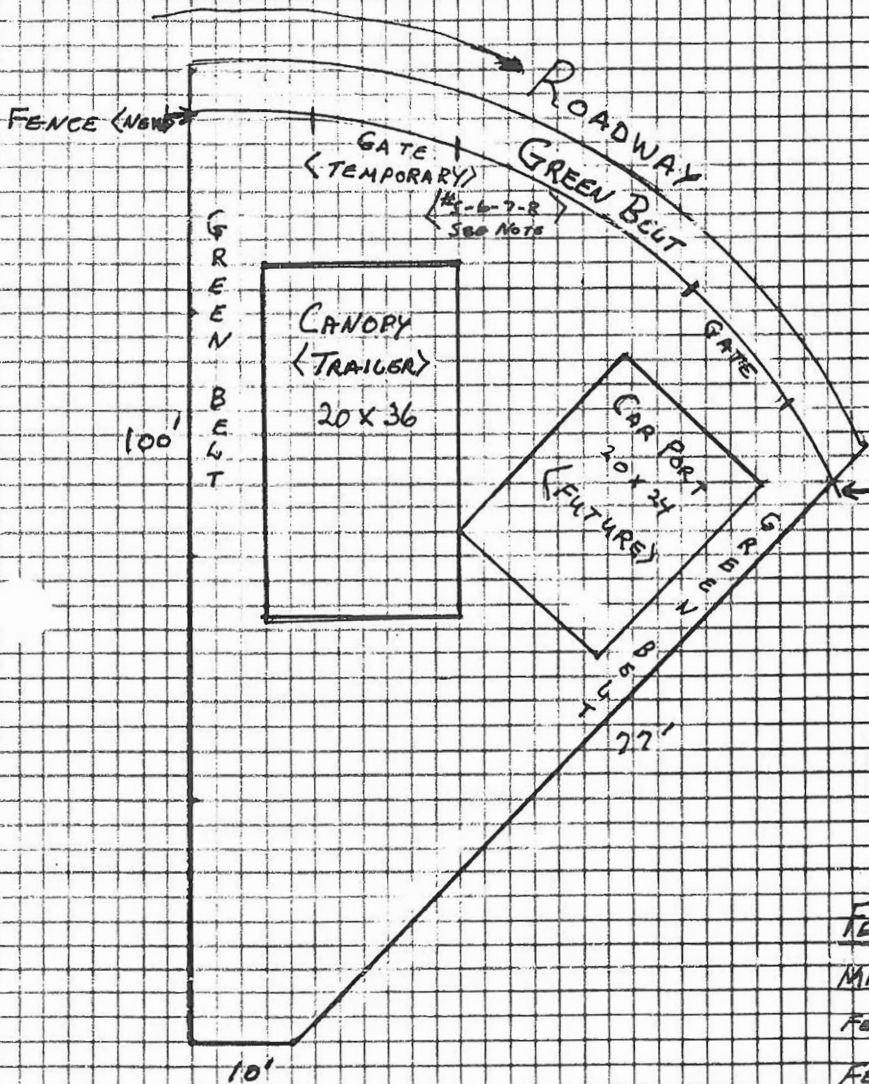
APPROVAL ?

PLOT PLAN

BLOCK 10, LOT 14
COAST VILLAGE

OWNERS

JAMES F & PRISCILLA LEWZADE
PO BOX 828
ORVILLE, CA - 95765
PHONE (916) 532-9551



FENCE (NEW) 77'
COST \$920⁰⁰

12-28-83
12-28-83
12-28-83

FENCES TO BE SET BACK AS FOLLOWS:

- MAIN GATE POST #5 - SET BACK 24"
- FENCE POST #6 - SET BACK 24"
- FENCE POST #7 - SET BACK 24"
- FENCE POST #8 - SET BACK 12"

APPROVED

George Ausito
GEORGE AUSITO, CHAIRMAN ARCHITECTURE
COMMITTEE - COAST VILLAGE
DATE 12-28-83

SCALE: □ = 2 1/2'



Coast Village

(C.V.P.O.C.)

2750 Hwy 101 - #1, Florence, OR 97439

November 1, 1993

James & Priscilla Lewzader
P.O. Box 828
Oroville, CA 95965
Block 10, Lot 14

Subject: Chain Link Fence

Dear Mr. & Mrs. Lewzader:

This is to inform you that the city has Red Tagged your chain link fence for failure to obtain a building permit.

You must submit a plot plan for fence installation to Coast Village, and upon our approval of said plan, the city will then consider issuing a building permit, providing all requirements have been met.

C.V.P.O.C.

Mike Bray
Mike Bray, President

Copy: Building Dept.

BLK 10 LOT 14
COAST VILLAGE

**CITY OF FLORENCE - BUILDING DEPARTMENT-250 HIGHWAY 101- PH: 997-8237
INFORMATION NEEDED TO ISSUE BUILDING PERMIT**

OWNER INFORMATION	CONTRACTOR INFORMATION
NAME: <u>Bill Gee</u>	NAME: <u>V Bechtold</u>
ADDRESS: <u>86 Outer Drive</u>	ADDRESS: <u>64990 Mitchell Loop</u>
PHONE:	PHONE: <u>9973168</u>
	CONTRACTOR #: <u>104864</u>

SITE ADDRESS: <u>86 OUTER DRIVE</u>		VALUATION \$:	
BLOCK: <u>10</u>	LOT (S): <u>14</u>	ADDITION: <u>COAST VILLAGES</u>	SQ FT OF LOT:
MAP NO: <u>18-12-23-31</u>	TAX LOT: <u>22100</u>	SQ FT OF HOME:	SQ FT OF GARAGE:
SQ FT OF DECKS &/OR PATIOS:		SQ FT OF DRIVEWAY & WALKS:	

CIRCLE ONE: <u>NEW</u>	ADDITION	ALTERATION	REPAIR
TYPE OF BUILDING (residence, garage, type of commercial building):			
TYPE OF CONSTRUCTION (<u>wood</u> , masonry, etc):			
DESCRIPTION OF WORK: <u>PORCH</u>			

DATE: 7-12-04 SIGNATURE: [Signature]

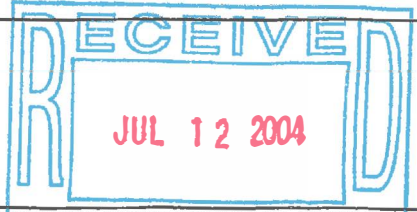
PLEASE PROVIDE TWO SETS OF CONSTRUCTION PLANS, INCLUDING:

- PLOT PLAN** - showing proposed building and/or additions, and any existing buildings on the property. Show locations of all street frontages and dimensions of property lines. Show plans for sidewalks and curbs. Show drainage plan, connection to storm system and direction of flow of drainage.
- BACKFLOW PREVENTION** - All buildings or engineering plans submitted shall show location, manufacturer, model and size of backflow prevention assemblies required by the Public Works Department and/or Uniform Plumbing Code. Purpose or type of use shall be shown at the end of each potable water fixture. There shall be an approved backflow prevention assembly installed at all service connections to a premises. Installation permit is required prior to installation.
- FLOOR PLAN** - of each floor, including basement and foundations, showing use of all rooms or areas and the size and locations of wall openings and stairs.
- EXTERIOR** - wall elevations of three views, showing all pertinent vertical dimensions.
- CROSS SECTION** - showing covering materials for all surfaces such as roofing, ceiling, interior and exterior wall and projections, such as eaves.
- SPECIFICATIONS** - on the drawings or separate covering materials and methods of construction, wall finishes and pertinent equipment.
- FIRE AND LIFE SAFETY PLAN CHECK** If public or commercial building, plans are to be approved by Fire and Life Safety Plan Check before building permit is issued.

FOR OFFICE USE:

PLAN CHECK BY: <u>[Signature]</u>
VALUE \$ <u>45616.00</u>
SQ FEET: <u>360</u>
CONST TYPE: <u>V-N</u>
GROUP: <u>U-1</u>
OTHER:

DATE STAMP:
126.33



C:\MYDOCUMENTS\FORMS\BUILDING PERMIT APPLICATION.WPD

THE BUILDING DEPARTMENT, LLC

INSPECTION REPORT

CITY OF Florence PROJECT NO. _____
 LOCAL PHONE _____ PERMIT NO. 9315
 THE BUILDING DEPT. _____ DATE 2-23-04
 ADDRESS 86 Outer Dr PERMITTEE _____
 DIRECTIONS _____ PHONE NO. _____

BUILDING

- FOOTINGS/FOUNDATIONS
- UNDERFLOOR FRAMING
- FRAMING
- INSULATION
- WALLBOARD/FIREWALLS
- FINAL STRUCTURAL

MECHANICAL

- UNDER FLOOR
- GAS LINE TEST
- WOOD STOVE
- FRAMING/ROUGH
- FINAL MECH

PLUMBING

- UNDERGROUND
- POST AND BEAM
- TOP OUT/ROUGH
- FINAL

ELECTRICAL

- UNDERGROUND
- SERVICE
- WALL COVER
- CEILING COVER
- LOW VOLTAGE
- FINAL

OTHER

Holes

- APPROVED**
 NOT APPROVED REPAIR AND RE-INSPECT
 CORRECTION REQUIRED OK TO CONTINUE (SEE BELOW)
 STOP WORK UNTIL:

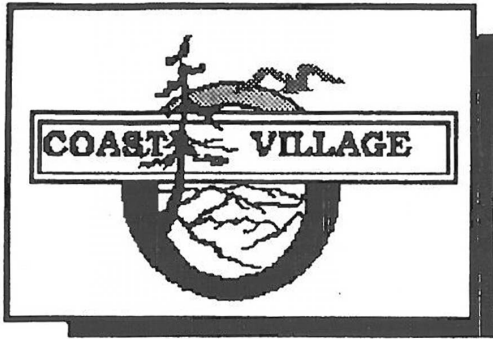
RETURN SIGNED REPORT TO INSPECTOR

OK TO CONTINUE AFTER CORRECTION(S) ARE MADE WITHIN _____ DAYS.

OWNER/CONTRACTOR SIGN BELOW INDICATING ALL CORRECTIONS ARE MADE.

SIGNATURE _____ DATE _____

CV BK 10 14
New. 86 Outer Dr.



Coast Village Property Owners Corp.

2750-Hwy 101-#1, Florence, OR. 97439
(503)997-3312

March 14, 1994

TO: City of Florence
RE: Height of Chain Link Fence

1. I have approved a variance of the height of the fence and gate located at Block 10, Lot 14 to a maximum height of 4 feet.

The owner is James Lewzader.

George Ansite ARCC
ARCC/George Ansite

Clare Kurth

From: jessica.salgado@dsl.oregon.gov
Sent: Thursday, February 9, 2023 12:24 PM
To: Clare Kurth
Subject: WN2023-0028 Response to Local Case File #PC 22 24 VAR 01
Attachments: Wetland Land Use Notice.pdf; Wetland Land Use Notice Response.pdf

Hi there,

Cities and Counties are required by statute (ORS 215.418 & 227.350) to submit notice to DSL of any projects that may impact wetlands and waterways, according to the Statewide Wetlands Inventory. DSL has completed review of the Wetland Land Use Notification that was prepared for Lisa Von Wald (WN2023-0028).

Please see attached for the results and conclusions of this review. To request paper copies please contact support.services@dsl.oregon.gov. Otherwise, please review the attachments carefully and if you have questions regarding this response, contact Jessica Salgado, jessica.salgado@dsl.oregon.gov. Questions regarding the local permit should be directed to your Planner: Clare Kurth, clare.kurth@ci.florence.or.us.

[Planning and Conservation Page](#)
[Permits and Authorization Page](#)

Thank you,

Aquatic Resource Management Program
Oregon Department of State Lands
775 Summer St. NE, Ste. 100
Salem, OR 97301-1279
www.oregon.gov/dsl



Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone: (503) 986-5200

This form is to be completed by planning department staff for mapped wetlands and waterways.

* Required Field (?) Tool Tips

Responsible Jurisdiction

<p>*</p> <p><input checked="" type="radio"/> City of <input type="radio"/> County of</p>	<p>Municipality*</p> <p>Florence</p>	<p>Date*</p> <p>1/12/2023</p>
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Staff Contact

<p>First Name*</p> <p>Clare</p> <p>Phone*</p> <p>5419978237</p>	<p>Last Name*</p> <p>Kurth</p> <p>Email*</p> <p>clare.kurth@ci.florence.or.us</p>
---	---

Applicant

<p>First Name*</p> <p>Lisa</p>	<p>Last Name*</p> <p>Von Wald</p>
---------------------------------------	--

Applicant Organization Name
(if applicable)

Mailing Address *

Street Address

86 Outer Dr

Address Line 2

City

Florence

State

OR

Postal / Zip Code

97439

Country

Lame

Phone

Email (?)

Is the Property Owner name and address the same as the Applicant? *

No Yes

Activity Location

Township * (?)

18S

Range * (?)

12W

Section * (?)

23

Quarter-quarter Section (?)

WM

Tax Lot(s) *

22100

You can enter multiple tax lot numbers within this field. i.e. 100, 200, 300, etc.

To add additional tax map and lot information, please click the "add" button below.

Address

Street Address

Address Line 2

City

State

Postal / Zip Code

Country

County *

Lane

Adjacent Waterbody

Munsel Creek

Proposed Activity

Prior to submitting, please ensure proposed activity will involve physical alterations to the land and/or new construction or expansion of footprint of existing structures.

Local Case File #* (?)

PC 22 24 VAR 01

Zoning

Coast Village

Proposed

- Building Permit (new structures)
- Grading Permit
- Site Plan Approval
- Other (please describe)
- Conditional use Permit
- Planned Unit Development
- Subdivision

Variance, rebuild structure in existing buildings footprint

Applicant's Project Description and Planner's Comments: *

An application from Lisa Van Wald, property owner or 86 Outer Dr, requesting a replacement of a ramada covering an RV in the Coast Village zoning district as regulated by Florence City Code Title 10, Chapter 29 and Special Development Standards as regulated by Title 10, Chapter 7. This property and previous structure are partially within the riparian area of Munsel Creek RMC-Cs. The rebuilt ramada is proposed to be within the footprint of the previous structure.

This is being processed locally as a Type III Review Process. A public hearing is scheduled for Feb 14, 2022 at 5:30 pm at the Florence City Hall located at 250 Hwy 101 with virtual attendance option available

Required attachments with site marked: Tax map and legible, scaled site plan map. (?)

Email Recieved 12.20.2022.pdf	233.21KB
Site Plan and Application Materials.pdf	933.59KB

Additional Attachments

Date



Response Page

Department of State Lands (DSL) WN# *

WN2023-0028

Responsible Jurisdiction

Staff Contact

Clare Kurth

Jurisdiction Type

City

Municipality

Florence

Local case file #

PC 22 24 VAR 01

County

Lane

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
18S	12W	23	CA	22100

Street Address

86 Outer Dr

Address Line 2

City

Florence

Postal / Zip Code

97439

State / Province / Region

OR

Country

Lane

Latitude

43.991222

Longitude

-124.094590

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

Your Activity

- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Based on the submitted site plan, the proposed project ("ramada replacement") does not appear to impact Munsel Creek or jurisdictional wetlands on-site. A state Removal-Fill permit will not likely be required for this activity.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

2/9/2023

Response by:

Jessica Salgado

Response Phone:

541-388-6421

Clare Kurth

From: Laserfiche_Forms@dsl.state.or.us
Sent: Thursday, January 12, 2023 2:19 PM
To: Clare Kurth
Subject: Wetland Land Use Notice

Hello Clare Kurth,

The Wetland Land Use Notice number for your Local Case File # PC 22 24 VAR 01 is WN2023-0028, and has been assigned to:

Jessica Salgado

541-388-6421

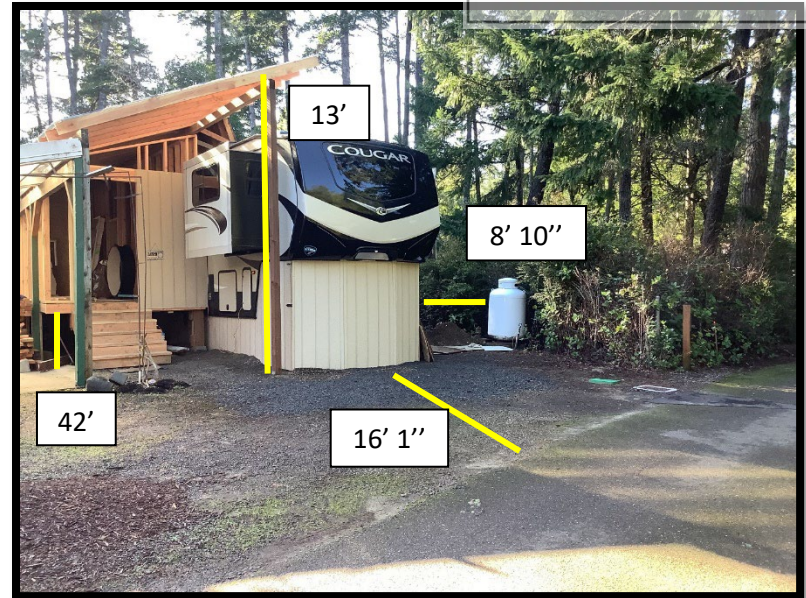
jessica.salgado@dsl.oregon.gov

Thank you.



86 Outer Drive:
View from Outer Drive facing south.

- New propane tank (permits pulled and issued) visible right on east side of the property.
- 5th wheel/dwelling and new covered deck with stairs middle
- Pre-existing carport structure left



View from Outer Dr

- 42'' floor of covered deck from grade
- 16' 1'' distance from pavement to 5th Wheel skirting
- 8' 10'' distance from 5th wheel to propane tank
- 6' 4'' distance from pop out to 5th wheel (not shown)
- 13' height from grade level to top of post
- 5' distance from propane tank to property line (not shown)



86 Outer Dr

Image from 2021 Zillow Listing (above)

Existing carport visible on the left, replacement structures in the left. Building permits were issued and finalized on these structures [Exhibit A and D].

Image from RLID (below)



Exhibit G

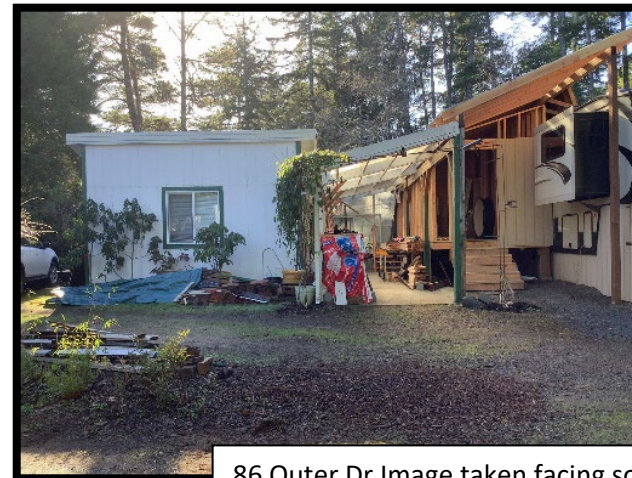


86 Outer Dr- image taken facing south west

Pre-existing Shed is visible right

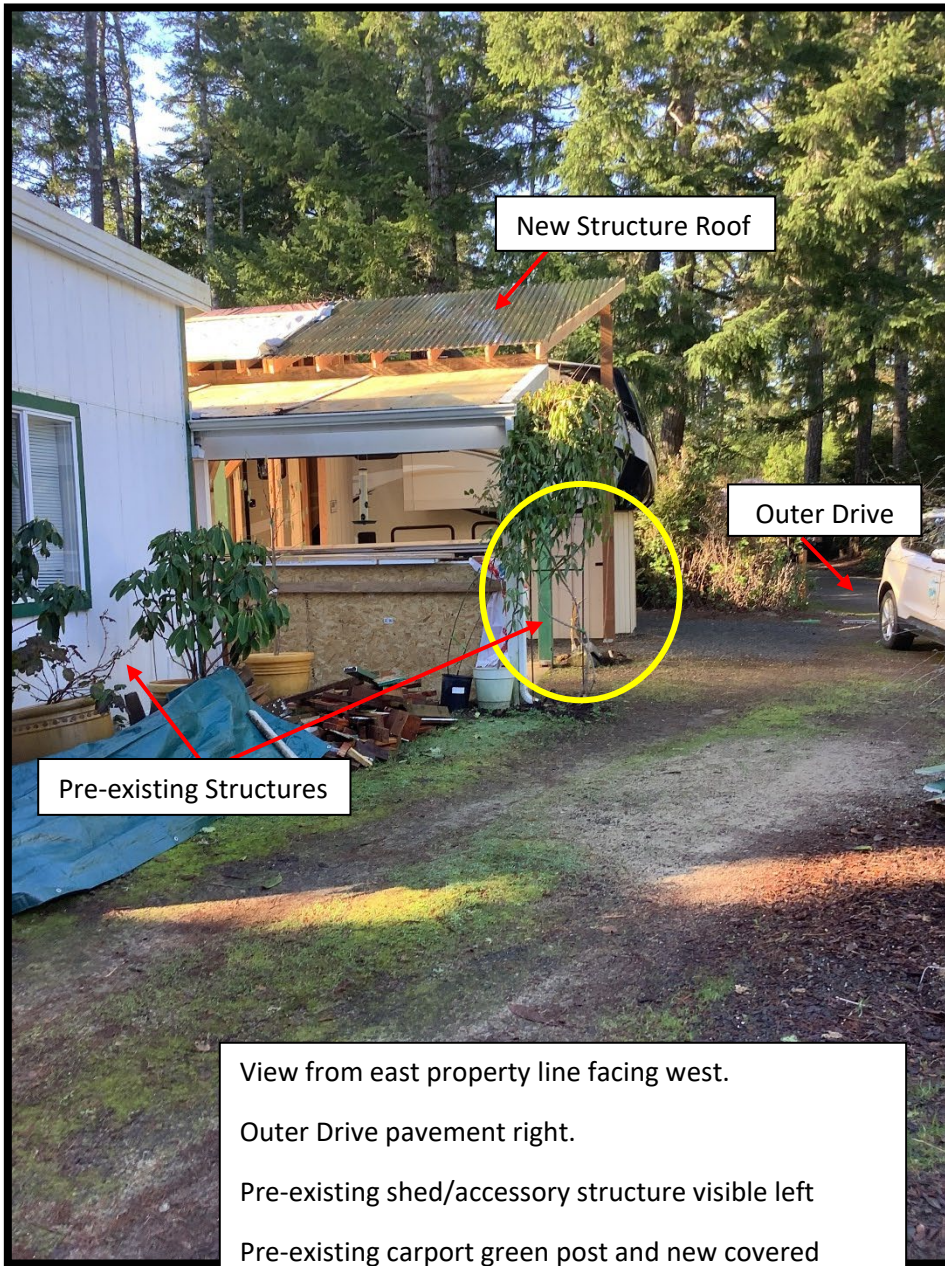
5th Wheel and new propane tank left

5th Wheel and covered deck are in the same location as the previous structures



86 Outer Dr Image taken facing south.

This image shows the pre-existing shed and carport right. The replacement ramada is on the left.



New Structure Roof

Outer Drive

Pre-existing Structures

View from east property line facing west.
 Outer Drive pavement right.
 Pre-existing shed/accessory structure visible left
 Pre-existing carport green post and new covered deck/ramada post circled
 Both in line with each other, new post does not extend further into front setback area



View facing south east. White vehicle visible is on east property line.
 White accessory structure shed and carport structure with cement pad are pre-existing.
 Post circled in yellow are pre-existing posts used for new ramada and covered deck construction.



View facing south.

Propane is 5' from the property line.

FCC 10-29- 5-C-4: Propane setbacks: Unless otherwise stipulated by the fire code, propane tanks shall be set back not less than three feet from all green belt and vegetation.

Comment: does not meet minimum setbacks from green belt on minimum setback in accordance with 2022 State Fire Code



View of 86 Outer facing south. The west property line is to the right.

FCC 10-29-5 requires a minimum 5' greenbelt on rear and side property lines and a minimum 3' clearance between dwellings and the green belt for fire safety



Mechanical permit for propane tank issued Nov 10, 2022 has not been finalled due to Stop Work Order issued by the City Building Official.

Not necessarily part of the variance for the ramada and covered deck replacement, but does not meet minimum 2022 Fire Code setback of 10' or Coast Village setback of 3' from vegetation green belt



Munsel creek

Image taken from near south west corner of 5th wheel facing south/south west

Creek top of bank from 5th wheel/dwelling structure is 9' 3"



View facing south

South west most corner of 5th when circled yellow

Munsel Creek circled blue

Setback distance shown by red arrow 9' 3"



View taken facing west.

Ladder is leaning up against the rear of the 5th wheel.

Approx. Munsel Creek location circled in blue

- Native vegetation seen
- 9' 3" between the top of cutback and closest portion of the 5th wheel.
 - 25' required setback
 - 5th wheel location is the same as previous park model



This image taken facing south showing the 5th wheel/dwelling from the street view. Skirting surrounding this dwelling defines this as a permeant structure according to FCC 10-29.



View of skirting on east side of 5th wheel/dwelling taken facing west.

This image is intended to show a door to access under the skirting and that the skirting does to open at the front to allow the vehicle to be easily towed or removed from the lot.



View facing south west. Covered deck and 5th wheel visible. Green post that are visible right and left are pre-existing and attached to the pre-existing carport.

- Note that decks and structures 30" or more above average grade require building permits.
- Building permit submitted with land use application



View facing south

New stairs and covered deck partially visible

- 42" in height will require building permits
- Green post from pre-existing carport structure

Clare Kurth

From: Michael Schick <chief@wlfea.org>
Sent: Thursday, January 26, 2023 3:28 PM
To: Clare Kurth; Mike Miller
Subject: RE: PC 22 24 VAR 01 at 86 Outer Dr

Clare,

I don't have any records of this LP tank placement being approved by the Fire department, do you know when it was placed?

As for clearance this is what I am looking at:

2022 Oregon Fire Code
Chapter 61 - Liquid Petroleum Gases

6107.3 Clearance to combustibles. Weeds, grass, brush, trash and other combustible materials shall be kept not less than 10 feet (3048 mm) from LP-gas tanks or containers.

From: Clare Kurth <clare.kurth@ci.florence.or.us>
Sent: Thursday, January 26, 2023 2:57 PM
To: Mike Miller <mike.miller@ci.florence.or.us>; Michael Schick <chief@wlfea.org>
Subject: PC 22 24 VAR 01 at 86 Outer Dr

Good afternoon,

We received a hardship variance application for 86 Outer Dr in Coast Village. The property owner had removed the existing park model trailer from the site and has replaced it with a 5th wheel and began rebuilding the covered deck and ramada. This came to our attention partially because it is within the 25-foot riparian area set back. I would appreciate any comments or concerns you have.

The new structure is mostly within the existing footprint of the previous structure. My main concerns I would appreciate input on is the location of the propane tank that is nestled into the green belt (FCC 10-29 requires a 3 foot set back from the required 5 foot greenbelt) and under FCC 10-29 the skirting defines this as a permanent structure and I don't know if SDCs have been paid, are required, or another option.

Thank you both for your time.

Here is the before picture I found from the 2021 listing:

Clare Kurth

From: Mike Miller
Sent: Thursday, January 26, 2023 3:22 PM
To: Clare Kurth; Michael Schick
Subject: RE: PC 22 24 VAR 01 at 86 Outer Dr

Hi Clare,

There are no additional SDC's for the site since it is/was an existing structure (park model trailer).

It would be good to have the 5th wheel outside of the 25-foot riparian set back.

I'll let the Chief provide the final word on the propane tank, but it should be away from the vegetation and outside of the riparian zone.

Thank you,

Mike

From: Clare Kurth <clare.kurth@ci.florence.or.us>
Sent: Thursday, January 26, 2023 2:57 PM
To: Mike Miller <mike.miller@ci.florence.or.us>; Michael Schick <chief@wlfea.org>
Subject: PC 22 24 VAR 01 at 86 Outer Dr

Good afternoon,

We received a hardship variance application for 86 Outer Dr in Coast Village. The property owner had removed the existing park model trailer from the site and has replaced it with a 5th wheel and began rebuilding the covered deck and ramada. This came to our attention partially because it is within the 25-foot riparian area set back. I would appreciate any comments or concerns you have.

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Thank you both for your time.

Here is the before picture I found from the 2021 listing:



Here are some pictures from Yesterday:



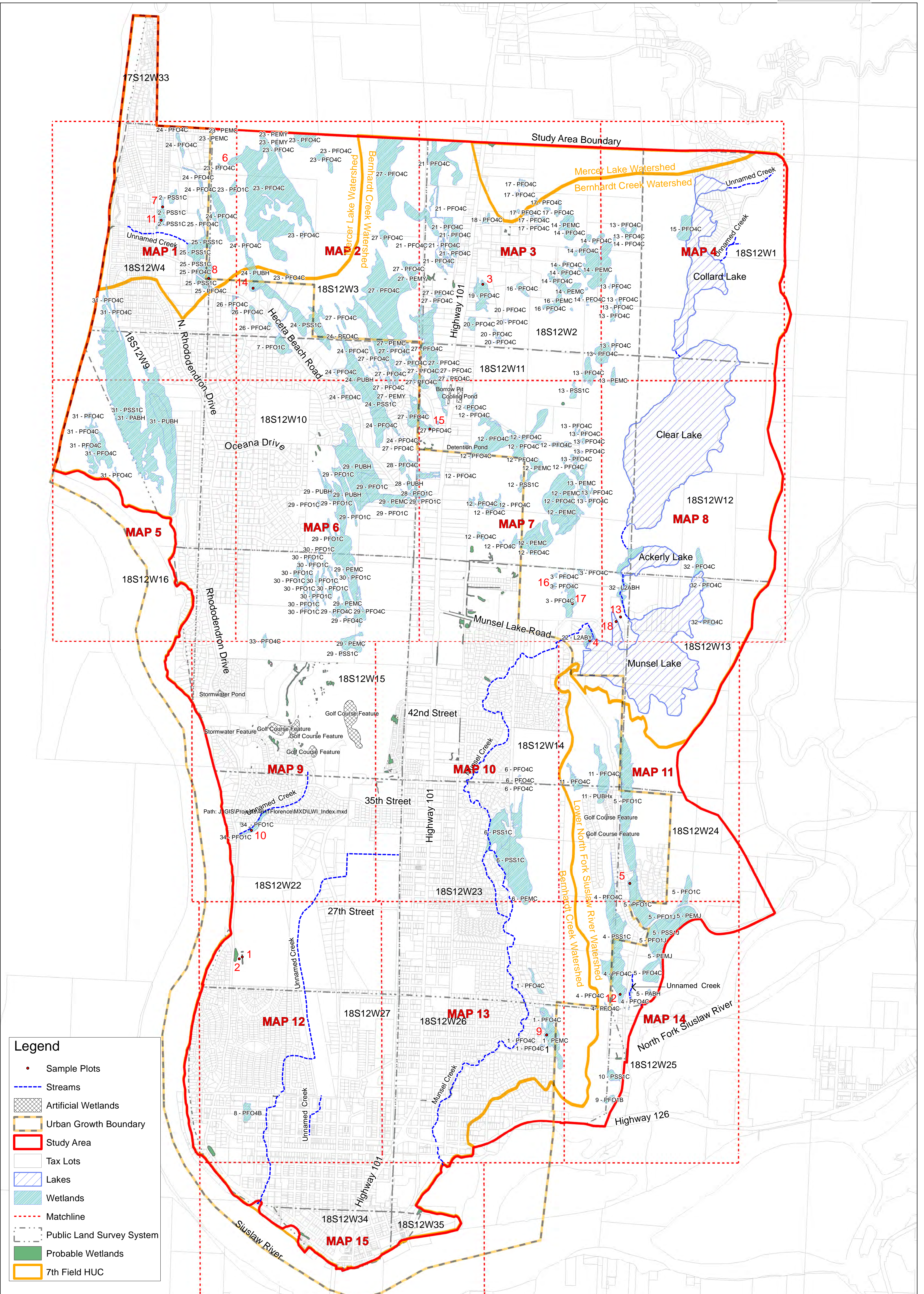


Clare Kurth (She/Her)
Assistant Planner | City of Florence
clare.kurth@ci.florence.or.us

City of Florence
250 Hwy 101
Florence, OR 97439

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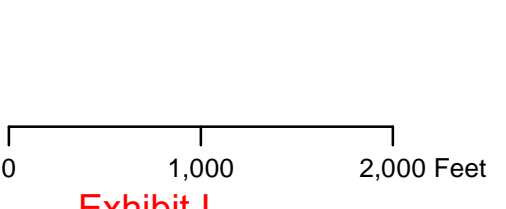




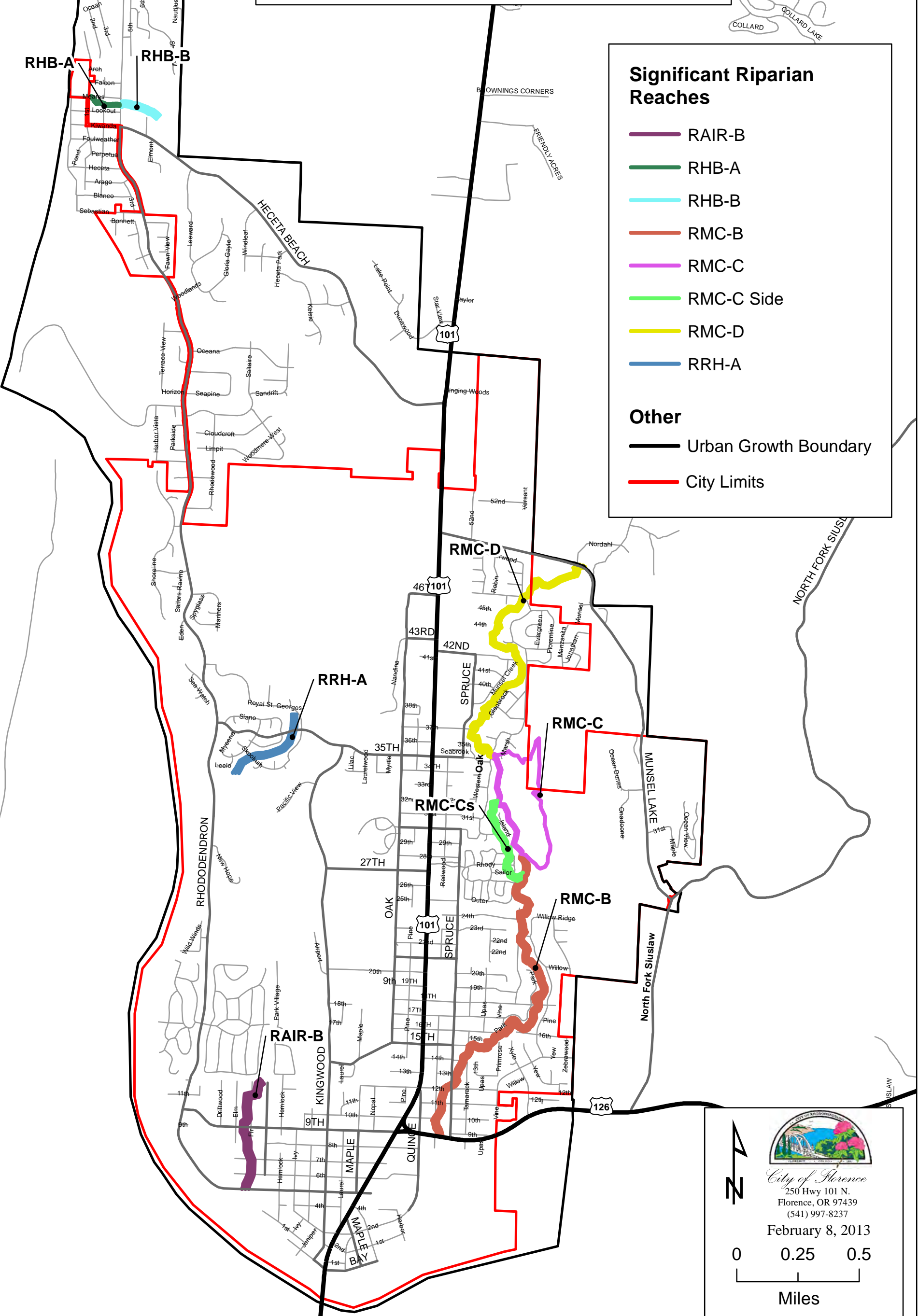
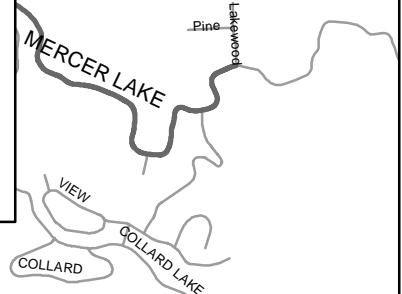
Information shown on this map is for planning purposes, represents the conditions that exist at the map date, and is subject to change. The location and extent of wetlands and other waters present that are subject to regulation. A current Oregon Department of State Lands-approved wetland delineation is required for state removal-fill permits. You are advised to contact the Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

Map Date 06-13-2013

FLORENCE, OREGON
Local Wetlands Inventory - Index Map



City of Florence Significant Riparian Reaches



City of Florence
250 Hwy 101 N.
Florence, OR 97439
(541) 997-8237
February 8, 2013

0 0.25 0.5
Miles