

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 15 14 PT 01**

A REQUEST FOR APPROVAL OF A TENTATIVE MINOR PARTITION OF A PARCEL, LOCATED AT MAP REFERENCE 18-12-27-32, TAX LOT 04700, CREATING THREE SEPARATE PARCELS, AS APPLIED FOR BY GENE WOBBE, REPRESENTING WILLIAM CLAWSON.

**WHEREAS**, application was submitted by Gene Wobbe, representing property owner William Clawson, as required by FCC 11-3-1, FCC 11-5-5; and

**WHEREAS**, the Planning Commission met in a duly advertised public hearing on July 28, 2015 to consider the application, evidence in the record and testimony received as per FCC 10-1-1-5, and

**WHEREAS**, the Planning Commission held a public hearing on July 28, 2015 to consider the application and evidence in the record as per FCC 11-3-4, and

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

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record, that the request for a tentative minor partition of the parcel located at Map 18-12-27-32 Taxlot 04700, meets the applicable criteria of the Florence City Code.

The Planning Commission approves the request for a tentative minor partition.

1. Approval shall be shown on:

"A" Findings of Fact
"B" Tentative Minor Partition
"C" Land Use Application, Phase I SIR & Supplemental

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

2. Regardless of the content of material presented for this approval, including application text and exhibits, staff reports, testimony and/or discussions, the

property owner/applicant agree to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal action as documented by the records of this decision and/or the associated Conditions of Approval. The property owner and applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of building permits.

3. The applicant shall provide information regarding the setbacks for the existing home in Parcel 1 prior to application for a final partition.

**4. Partition Requirements**

4.1. The applicant shall submit the legal description of the proposed parcels to the Planning Department with the application for final partition.

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

4.3. If conditions set at the time of approval have not been fulfilled within one year (July 28, 2016), the minor partition approval shall be null and void.

4.4. The applicant shall the type and number of monuments with the final partition plan.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 28th day of July, 2015.

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CURT MUILENBURG, Chairperson  
Florence Planning Commission

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DATE

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

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**Date of Report:** July 21, 2015    **Planner:** Glen Southerland  
**Application:** PC 15 14 PT 01

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request by Gene Wobbe, representing William Clawson to partition a property located at 935 Rhododendron Drive into three separate parcels.

**Applicant:** Gene Wobbe, Wobbe and Associates

**Property Owner:** William Clawson

**Location:** Assessor's Map 18-12-27-32, Tax Lot 04700

General Location: West of Rhododendron Drive, east of Siuslaw River and platted Front Street, north of vacated 8<sup>th</sup> Street

**Comprehensive Plan Map Designation:** Low-Density Residential

**Zone Map Classification:** Restricted Residential

**Surrounding Land Use / Zoning:**

Site: Single family residence / Restricted Residential  
North: Single family residences / Restricted Residential  
South: Single family residence / Restricted Residential  
East: Rhododendron Drive/Single family residences/Multi-family / Professional/Office Institutional  
West: Siuslaw River / Conservation Estuary

**Streets/Classification:**

West – None; East – Rhododendron Drive – Collector; North – Alder Street – Local; South – None

**II. BACKGROUND/NARRATIVE**

The home at 935 Rhododendron Drive was originally constructed in 1997. The original parcel on which the home is sited is a consolidation of originally platted parcels, blocks, and vacated right-of-ways. The property consists of most of Block

51, portions of Blocks 52 and 56 and parts of vacated Alder Street, vacated 9<sup>th</sup> Street, vacated Street Car Right-of-Way, and vacated alleys in Blocks 51 and 52.

This application for partition was received on June 16, 2015. The applicant has proposed to split this 146,050 square foot lot into three separate parcels gaining access off of Rhododendron Drive. The application was deemed complete July 7, 2015 after the submission of additional materials and a Phase I Site Investigation Report.

### III. NOTICES & REFERRALS

**Notice:** Noticing was performed in accordance with FCC 10-1-1-5-B. Notice was sent to surrounding property owners within 300 feet of the property on July 7, 2015 and a sign was posted on the property on July 7, 2015. Notice was published in the Siuslaw News on July 15, 2015, 14 days prior to the public hearing.

As of this writing, the City has received no comments and one inquiry into what the proposal was.

**Referrals:** Referrals were sent on June 19, 2015 and July 7, 2015 to the Florence Building Department, Siuslaw Valley Fire and Rescue, Department of Land Conservation and Development, Lane County Environmental Health, U.S. Postal Service, Central Lincoln PUD, Florence Police Department, and Florence Public Works.

As of this writing, the City has received comments from Lane County Public Works Senior Engineering Associate Daniel Ingram.

Senior Engineering Associate Daniel Ingram stated that Lane County Transportation Planning had no comments on the partition.

### IV. APPLICABLE REVIEW CRITERIA

**Florence City Code, Title 10:**

- Chapter 1: Zoning Administration, Section 1-5 and 4
- Chapter 7: Special Development Standards, Sections 3, 4 & 5
- Chapter 10: Restricted Residential, Sections 4 & 5
- Chapter 19: Estuary & Shorelands, Sections 1, 3, and 6-A through 6-F

**Florence City Code, Title 11:**

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

**Oregon Revised Statutes**

- ORS Chapter 92: Subdivisions and Partitions, ORS 92.010 through 92.170

## V. FINDINGS

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

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### FLORENCE CITY CODE

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

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

**B. Notification of Hearing:**

1. **At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
  - a. **Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.**
  - b. **For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.**
  - c. **For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8). 2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.**

The applicant has proposed a minor partition. In accordance with City Code and Oregon Revised Statutes, notice was provided to surrounding property owners within

300 feet and noticed within the Siuslaw News on July 15, 2015, at least 10 days prior to the public hearing regarding that issue.

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

**1. The notice shall:**

- a. Explain the nature of the application and the proposed use or uses which could be authorized;**
- b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
- c. Set forth the street address or other easily understood geographical reference to the subject property;**
- d. State the date, time and location of the hearing;**
- e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
- f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
- g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
- h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

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

person to contact, telephone number for the Planning Department and an email address where questions or testimony could be sent. The application was properly noticed and these criteria are met.

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

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

**E. Action by the Planning Commission:**

1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

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

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

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

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**TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS**

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**10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS:** The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

- A. Special Flood Hazard Area:** All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.
- B. River Cutbanks:** No building shall be permitted within fifty feet (50') from the top of a river cutbank.
- E. Ocean Flooding, Tidal Flooding, Tsunami:** (See subsection A above, Special Flood Hazard Area).
- F. Slopes Greater than Twelve Percent:** For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.

The site of the proposed minor partition includes several of these potential problem areas. A Phase I Site Investigation Report was required of the applicant and completed on July 2, 2015. In particular, the site has flood hazard areas, previously identified river cutbanks, potential for ocean flooding through tidal or tsunami flooding, and some areas with slopes greater than 12%.

**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 anadromous 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.**

The proposed partition is located in the Alder basin in the Southwest Stormwater Region of Florence. There are no identified areas of flooding in the vicinity of this proposed site. The plat shall state stormwater prior to flow into river or wetland areas shall be pre-treated in accordance with FCC Title 9 Chapter 5.

There are no significant wetlands within the area of the proposed partition. There are two wetlands along the estuary shoreline which are included as part of the National Wetlands Inventory (pictured below). The areas are classified as E2USN along the shoreline and E2USP inland of that area. E2USN is "Estuarine intertidal unconsolidated shore, regularly flooded" and is described as a tidal and wind-tidal flat, which is topographically low. E2USP is "Estuarine intertidal unconsolidated shore, irregularly flooded" and is described as a tidal and wind-tidal flat, which is topographically high. These areas are likely within the 50 foot setback from the Siuslaw River.



**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:**

- 1. Partitioning and subdividing of land;**

The applicant has proposed a minor partition, subject to the standards and requirements of FCC 10-7 where applicable.

**10-7-5: SITE INVESTIGATION REPORTS (SIR):**

**A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:**

- 1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or**
- 2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)**

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code. (Ord. 669, 5-17-82)

The applicant has submitted a Phase I Site Investigation Report as required by code for all areas identified by FCC 10-7-2 and 10-7-3. The Hazards Map adopted by the Florence Realization 2020 Comprehensive Plan states that there are possible river cutbanks in this location. As stated by the applicant, the property currently has rip rap revetment along the shoreline and there is no river cutbank to be found. The site is also subject to tidal flooding and tsunamis along the river bank. The Site Investigation Report confirms that the property is the site of an identified flooding hazard.

The affirmative findings of the site investigation reports are waived. Specific standards exist in FCC 4-4 to address flood-prone areas subject to the requirements of the NFIP and Oregon Structural Specialty Code.

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#### **TITLE 10: CHAPTER 10: RESTRICTED RESIDENTIAL DISTRICT**

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##### **10-10-4: LOT AND YARD PROVISIONS:**

- A. Minimum Lot Dimensions:** To be designated a building site, a lot must be at least fifty feet (50') wide and at least eighty feet (80') in depth. For new subdivisions and newly platted lots, the minimum width shall be eighty feet (80') and the minimum depth shall be eight five feet (85').

The three proposed lots have street frontage and lot widths of: Parcel 1 - 203.9 feet, Parcel 2 - 98.9 feet, and Parcel 3 - 101.0 feet. The depth of these lots are parcel 1 - 396 feet, Parcel 2 - 338 feet, and Parcel 3 - 301 feet as shown below. These platted lots meet the minimum requirements for newly platted lots in the Restricted Residential District.

- B. Minimum Lot Area:** To be designated a building site, a lot must be comprised of at least nine thousand (9,000) square feet.

Parcels 1, 2, and 3 will have lot areas of 84,900 square feet, 31,130 square feet, and 30,020 square feet, respectively. This criterion is met.

- C. Lot Coverage:** The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

The lot coverage was not provided for the existing residence and Parcel 1, however, it is unlikely that the lot coverage of all enclosed buildings exceeds 35% or that all impervious surface on the lot exceeds 65% of the lot area. Using the square footage of Parcel 1, the permitted building coverage is 29,715 and 55,185 square feet, respectively. RLID indicates that the house and garage occupy 6,752 square feet. Parcels 2 and 3 currently are vacant and have no structures on them. This criterion is met.

**D. Yard Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:**

- 1. Front Yards: No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20').**
- 2. Side Yards: A yard of not less than ten feet (10') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.**
- 3. Rear Yards: Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line.**
- 4. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line**

As previously stated, the front setbacks for the existing home (Parcel 1) were not provided, but they are approximately 150 feet as determined by staff through RLID and meet the yard regulations. Parcel 2 and 3 are currently vacant. Likewise, side and rear yards are likely more than adequate for the existing home in Parcel 1, though the applicant shall be required to provide this information prior to recording of the minor partition. (Condition 3)

**10-10-5: SITE DEVELOPMENT PROVISIONS:**

**A. Building or Structural Height Limitations:**

- 1. Residential Buildings: The maximum building or structural height shall be twenty-eight feet (28').**
- 2. Accessory Buildings: The maximum building height shall be fifteen feet (15').**

3. **Nonresidential Buildings: The maximum building height shall not exceed twenty-eight feet (28') in height.**

The applicant has not provided this information for the existing building on Parcel 1. There are no building records on file to reference. There are currently no structures on Parcels 2 and 3.

- B. **Fences: See Code Section 10-34-5 of this Title**
- C. **Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.**
- D. **Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)**
- E. **Signs: Signs shall be in accordance with Title 4, Chapter 7 of this Code. (Ord. 4, 2011)**
- F. **Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.**
- G. **Access and Circulation: Refer to Section 10-35 of this Title for requirements.**
- H. **Public Facilities: Refer to Section 10-36 of this Title for requirements.**
- I. **Lighting: Refer to Section 10-37 of this Title for requirements.**

These sections are not applicable to this application.

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## **TITLE 10: CHAPTER 19: ESTUARY & SHORELANDS**

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### **10-19-1: ESTUARY DISTRICT ADMINISTRATION**

- A. **Applicability**
  1. **The following three Estuary Zoning Districts apply to the Siuslaw River Estuary within the Florence city limits: Natural Estuary, Conservation Estuary, and Development Estuary. These districts implement the requirements of Statewide Planning Goal 16 and policies in the Florence Comprehensive Plan and corresponding "management units." In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 16, Siuslaw Estuarine Resources.**
  2. **Estuary Zoning Districts are applied to portions of the estuary within city limits as classified on the City of Florence Zoning Map.**

The property extends into the Siuslaw River (Conservation Estuary) on its western edge. The Mean High Water Line is delineated on the minor partition map. The application will be reviewed against the applicable Chapter 19 criteria.

#### **10-19-3: CONSERVATION ESTUARY DISTRICT (CE):**

- A. Purpose and Extent:** The purpose of the Conservation Estuary District (CE) is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this District. The boundaries of the CE District are defined by natural features. The CE District includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; and those not included in the Natural Estuary District (NE). This District also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as identified on the City Zoning Map as specified by this Title.

The applicant has not proposed that any uses within the Conservation Estuary District, however, this property extends below the Mean High Water Line and this minor partition have been reviewed for compliance. No additional applicable criteria have been identified for the Conservation Estuary District.

#### **10-19-6: SHORELAND RESIDENTIAL OVERLAY DISTRICT /SR**

- A. Purpose:** The Shoreland Residential Overlay District (/SR) is applied to residential development management units in the Comprehensive Plan along the Siuslaw River Estuary and Munsel Lake (a Coastal Lake). It is the purpose of the /SR Overlay District to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal water. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary. The /SR District is specifically designed to carry out the following purposes:

1. Protection of such natural resources as soil and such natural systems as drainage courses and waterways.
2. Enhancement of renewable resources such as the coastal fisheries.

3. Allow for recreation and public access to coastal water.

B. **Permitted Uses:** In addition to uses specifically allowed in the adjacent Estuary District, the following structures and uses, and no others, are permitted outright when consistent with all of the requirements of the adjacent Estuary District and applicable site development requirements listed in subsections E and F:

3. Uses and buildings permitted outright in the base zoning district.

The proposed minor partition will not affect the purpose or intent of the Shoreland Residential overlay, which do not specifically apply to this land use action. Single family homes are permitted outright in the base zoning district.

C. **Special Uses Approved by Administrative Review:** In addition to Special Uses specifically allowed in the adjacent Estuary District, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title, upon affirmative findings of consistency with all of the requirements of an adjacent Estuary District and applicable site development requirements listed in subsections E and F and upon satisfaction of the following applicable criteria.

1. Uses and buildings permitted in the base zoning district where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth in subsections E and F, subject to the following additional criteria:

- a. The said parcel existed prior to July 24, 1980.
- b. The structures shall not occupy more than thirty percent (30%) of lot area.
- c. All applicable height restrictions are observed.
- d. Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance is minimized.
- e. All otherwise applicable requirements of this Section are met.

The proposed partition creates parcels that are sufficient in size for the base zoning district. Proposed homes on the new parcels will not require a Special Use Permit.

E. **Site Development Requirements:** The development requirements specified herein shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.

1. For existing lots which are too small to accommodate the combined required setback in the base zoning district and the buffer zone, development will be allowed within the setback required in Section F only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).
2. Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the proposed structure or structures, accessory buildings, necessary access, and fire safety requirements.
3. In all cases, vegetative cover shall be retained on lands within the shoreland area. Construction activities shall occur in such a manner as to avoid unnecessary excavation and removal of native vegetation unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be required during the construction phase of any project.
4. A minimum fifty foot (50') buffer zone of native vegetation shall be maintained along the estuary (as measured from the mean high tide) and Coastal Lakes (as measured from the average high water).
5. The area within the 50' buffer zone shall be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowed:
  - a) Foot paths
  - b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the City and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.
  - c) Replanting of the area or other areas which have been previously cleared.



6. All mature trees must be retained in the 50' buffer zone, unless they are an obvious hazard or determined by an arborist to be diseased or damaged beyond repair. If a mature tree is removed, it shall be replaced with a tree from the City's suggested tree list.

The lots proposed are deep enough to allow development of the new Parcels 2 and 3 without variances. The applicant has not proposed any encroachment on the buffer zone or any structures or vegetation removal within the buffer zone.

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## **TITLE 11: SUBDIVISION REGULATIONS**

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### **TITLE 11: CHAPTER 1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS**

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

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

**11-1-2: APPROVAL OF LAND DIVISIONS:**

- A. No person shall dispose of, transfer or sell any lot or parcel of land in a minor partition with respect to which approval is required by this Title until such approval is obtained.
- B. No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for major subdivisions or major partitions under the provisions of this Title until such approval is obtained.
- C. No persons shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any major subdivision or major partition with respect to which approval is required by this Title until such approval is obtained, and the plat thereof has been acknowledged and recorded with the County recording officer.

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

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**TITLE 11: CHAPTER 2: MINOR PARTITIONING PROCEDURE**

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

An application was made by the property owner and his surveyor in accordance with these criteria.

**11-2-2: TENTATIVE PLAN REQUIREMENTS:**

- A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.**
- B. Drafting:** The tentative plan shall be drawn with pencil or India ink on substantial tracing paper and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch; and shall be so selected as to fit the finished drawing to a sheet size of eight and one-half inches by eleven inches (8 1/2" x 11").

The application and drawings submitted meet the applicable requirements of code. The scale of the drawing submitted was a standard 100 feet to the inch and fit the finished drawing as required. These criteria are met.

- C. Information Required:** The application or the tentative plan must contain the following information with respect to the subject area:
  - 1. The proposed name of the minor partition. This name must not duplicate or resemble the name of another partition in the County and shall be approved by the Planning Commission.**

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

- 2. The date, north point and scale of drawing, and a sufficient description to define the location and boundary of the tentative plan area.**
- 3. An accurate map describing the boundaries of all contiguous land in the same ownership as the area encompassed in the application.**

4. The names and addresses of the owner, partitioner and engineer or surveyor.
5. The location, name and present width of all streets and alleys.
6. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.
7. The width and location of all easements for drainage and public utilities.
8. The dimensions, parcel lines and area of all parcels.
9. The existing use or uses of the property, including the location of all existing structures to remain on the property.
10. In addition, when all or a portion of the area encompassed in a minor partition application of lots averaging a maximum of one-half (1/2) acres each has not been previously included in a recorded plat (subdivision), the following information is also required:
  - a. The affidavit of a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor, and who prepared the tentative plan for the area encompassed in the proposed partition.
  - b. The names of all recorded subdivisions contiguous to the subject area.
  - c. The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required: Contour Intervals Ground Slope 1' 0% to 5% 2' 5% to 10% 5' Over 10%
  - d. The approximate width and location of all proposed public utility easements.
  - e. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.
  - f. All proposals for sewage disposal, flood control and easements or deeds for drainage facility, including profiles of proposed drainage ways.

- g. All public areas proposed to be dedicated by the partitioner and the proposed uses thereof. In this connection, the application is subject to the requirements pertaining to reserve strips as stipulated in Chapter 5 of this Title. Said reserve strips shall be clearly indicated on the proposed partition.
- h. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
- i. A legal description of the boundaries of the entire area owned by the partitioner of which the proposed partition is a part; provided, that where the proposed partition comprises all of such area, an affidavit of such fact shall accompany the application.

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

**11-2-3: REVIEW OF PROPOSAL BY OTHER AGENCIES AND DEPARTMENTS:** Within five (5) working days after the application is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the minor partition proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted, unless an extension is requested. (Amd. Ord 30, Series 1990).

The application was submitted June 16, 2015. On June 19, 2015, other agencies and departments were notified of the application through email. Notices were sent to Central Lincoln PUD, the Department of Land Conservation and Development, the Florence City Manager, the Florence Police Department, Florence Public Works, Lane County Environmental Health, Siuslaw Valley Fire & Rescue, the U.S. Postal Service, and the Western Lane Ambulance District. The 30-day response period ended July 19, 2015. No agency submitted comments.

**11-2-4: TENTATIVE PLAN APPROVAL:** After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Commission or its designee shall grant approval or deny the minor partition tentative plan. The hearing, decision and further consideration of a similar application shall be

governed by paragraphs 10-1-1-5-D and E of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord. 30, Series 1990).

- A. The approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto.
- B. The minor partition complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.
  - 1. Improvements as required by the City and this Title have been completed, and a certificate of fact has been filed with the Planning Director. (Amd. Ord 30, Series 1990).
  - 2. A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the City has been filed with the Finance Officer in sufficient amount to ensure the completion of all required improvements; or
  - 3. A petition for improvements has been properly executed by the petitioner who is effecting the partition and will be assessed for said improvements.
- C. Public assessments, liens and fees with respect to the minor partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the Council. (Amd Ord 30, Series 1990).

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

The applicant has met all applicable criteria related to this minor partition. The approval will provide an opportunity for infill development and will not impede the future best use of the remainder of the property. The minor partition complies with the requirements of this Title, applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, and Florence Comprehensive Plan. According to the title report provided by the applicant, all public assessments, liens and fees have been paid.

**11-2-6: ACKNOWLEDGING DECISIONS:** Approval of a minor partition tentative plan shall be noted thereon by the chairman of the Planning Commission or its designee with the effective date of such approval. Notice of the Planning

**Commission's decision shall be given as provided in paragraph 10-1-1-5-F of this Code. (Amd. Ord 30, Series 1990).**

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

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

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

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

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

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

The applicant shall submit a final partition map no more than six months after approval of the tentative plan. The submitted plan shall meet the requirements of Title 11 and be in a form suitable for recording and shall show the area of each parcel. (Condition 4.2)

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

If conditions set at the time of approval have not been fulfilled within one year (July 28, 2016), the minor partition approval shall be null and void. (Condition 4.3)

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**TITLE 11: CHAPTER 5: PLATTING AND MAPPING STANDARDS**

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**11-5-2: LOTS AND PARCELS:****A. Size and Frontage:**

1. **General Requirements:** Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.
2. **Area:** Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. Where either a community water supply or sewer system are not presently provided, the lot area shall be sufficient to meet State and County health standards and the lot area shall be at least twice the number of square feet normally required in the zoning district where the lot is located. Where an oversize lot as described above is required due to lack of services, the Planning Commission may require the developer to submit a plan for later division of said lot(s) into standard six thousand five hundred (6,500) or nine thousand (9,000) square foot lots.
3. **Frontage:** Each lot shall have frontage of not less than fifty feet (50') upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty five feet (35') upon a street, measured on the arc. Where either a public water supply or public sewers are not presently provided, the lot frontage shall be sufficient to insure an adequate sized lot to meet State and County requirements

The applicant has proposed lots with sufficient depth, width, and area to meet the requirements of the base zoning district, Restricted Residential. These criteria are addressed as part of FCC 10-10-4.

**B. Exceptions:**

5. **Lot and Parcel Side Lines:** As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lot or parcel faces; except those on curved streets, they shall be radial to the curve.
6. **Suitability for Intended Use:** All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or partition or of such lot or parcel as determined by

**the Planning Commission in accordance with the purpose of this Title.**

Although the street frontage for these lots curves slightly, the lot and parcel side lines have been drawn as right angles to the street. Lot lines radial to the curve would not be practical for these parcels nor would these lines fit with the overall structure of platted lots along Rhododendron Drive. The proposed lot lines are adequate.

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

While the partition will result in parcels greater than one-half acre, these lots could not be partitioned in the future. There is an inadequate amount of street frontage for these lots to afford Parcels 2 and 3 to be again partitioned, although those parcels may meet the minimum lot area requirements.

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**OREGON REVISED STATUTES**

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**CHAPTER 92: Subdivisions and Partitions**

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**TENTATIVE AND FINAL APPROVAL OF PLANS; PLATS**

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Each lot or parcel is numbered consecutively.

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

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

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

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

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

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

(a) Arc length;

(b) Chord length;

- (c) Chord bearing;
- (d) Radius; and
- (e) Central angle.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) A surveyor shall set all monuments on the exterior boundary and all parcel corner monuments of partitions, unless the county surveyor waives the setting of a particular monument, before the partition plat is offered for recording. Unless the governing body provides otherwise, any parcels created outside an urban growth boundary that are greater than 10 acres need not be surveyed or monumented.

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

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

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

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

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

**92.105 Time limit for final action by city or county on tentative plan.** The governing body of a city or county or its designate is subject to the provisions of ORS 215.427 or 227.178 in taking final action on an application for approval of a tentative plan for a subdivision or partition located within an acknowledged urban growth boundary. [1981 c.884 §2; 1983 c.827 §51; 1989 c.772 §16]

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

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## **VI. ALTERNATIVES**

1. Approve the application based on the findings of compliance with City regulations.
  2. Modify the findings, reasons or conditions, and approve the request as modified.
  3. Deny the application based on the Commission's findings.
  4. Continue the Public Hearing to a date certain if more information is needed.
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## VII. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed application meets the requirements of City Code with conditions, and recommends approval of the minor partition subject to the following conditions.

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## VI. Conditions of Approval:

1. Approval shall be shown on:

"A" Findings of Fact
"B" Tentative Minor Partition
"C" Land Use Application, Phase I SIR & Supplemental

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

2. Regardless of the content of material presented for this approval, including application text and exhibits, staff reports, testimony and/or discussions, the property owner/applicant agree to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal action as documented by the records of this decision and/or the associated Conditions of Approval. The property owner and applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of building permits.
3. The applicant shall provide information regarding the setbacks for the existing home in Parcel 1 prior to application for a final partition.
4. **Partition Requirements**
  - 4.1. The applicant shall submit the legal description of the proposed parcels to the Planning Department with the application for final partition.
  - 4.2. The applicant shall submit a final partition map no more than six months after approval of the tentative plan. The submitted plan shall meet the requirements of Title 11 and be in a form suitable for recording and shall show the area of each parcel.

- 4.3. If conditions set at the time of approval have not been fulfilled within one year (July 28, 2016), the minor partition approval shall be null and void.
  - 4.4. The applicant shall the type and number of monuments with the final partition plan.
- 

## VII. EXHIBITS

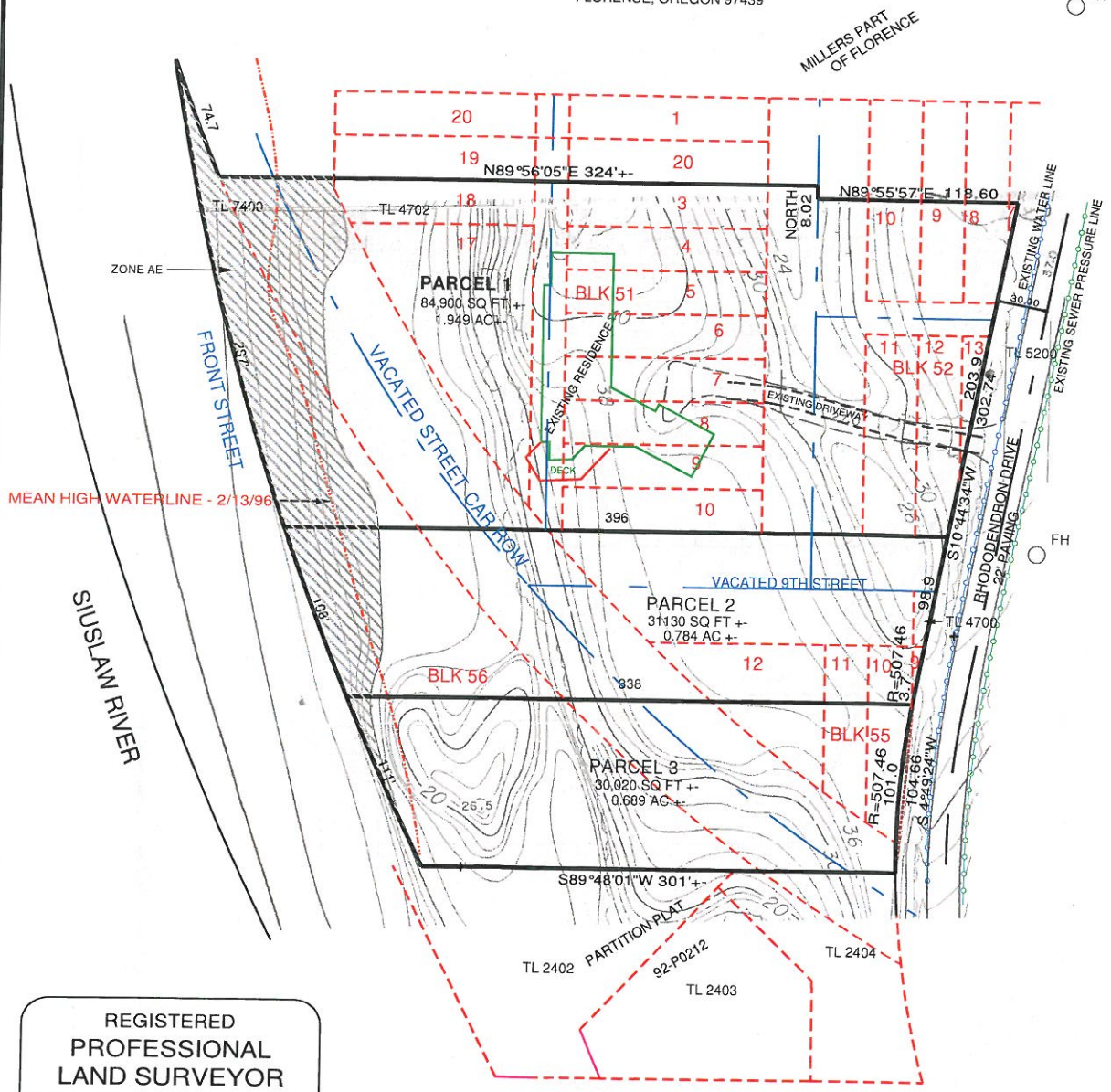
- A. Findings of Fact
- B. Tentative Minor Partition
- C. Land Use Application, Supplemental, Phase I Site Investigation Report





# SCALE DRAWING TENTATIVE MINOR PARTITION (REPLAT)

JUNE 15, 2015  
MAP 18-12-27-3-2 TL 4700, 4702, 7400  
OWNER: WILLIAM GARY CLAWSON  
P.O. BOX Z  
FLORENCE, OREGON 97439



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 30, 1976  
**EUGENE M. WOBBE**  
1093

P.L.S. EXPIRATION DATE: 6-30-2016

NOTES:  
CONTOURS SHOWN ARE FROM  
CITY OF FLORENCE TOPOGRAPHIC MAPS  
DIMENSIONS SHOWN ARE PRELIMINARY AND  
SUBJECT TO CHANGE FOR THE FINAL PLAT.

WOBBE & ASSOCIATES, INC.  
510 KINGWOOD ST./P.O. BOX 3093  
FLORENCE, OR 97439



FILE NUMBER

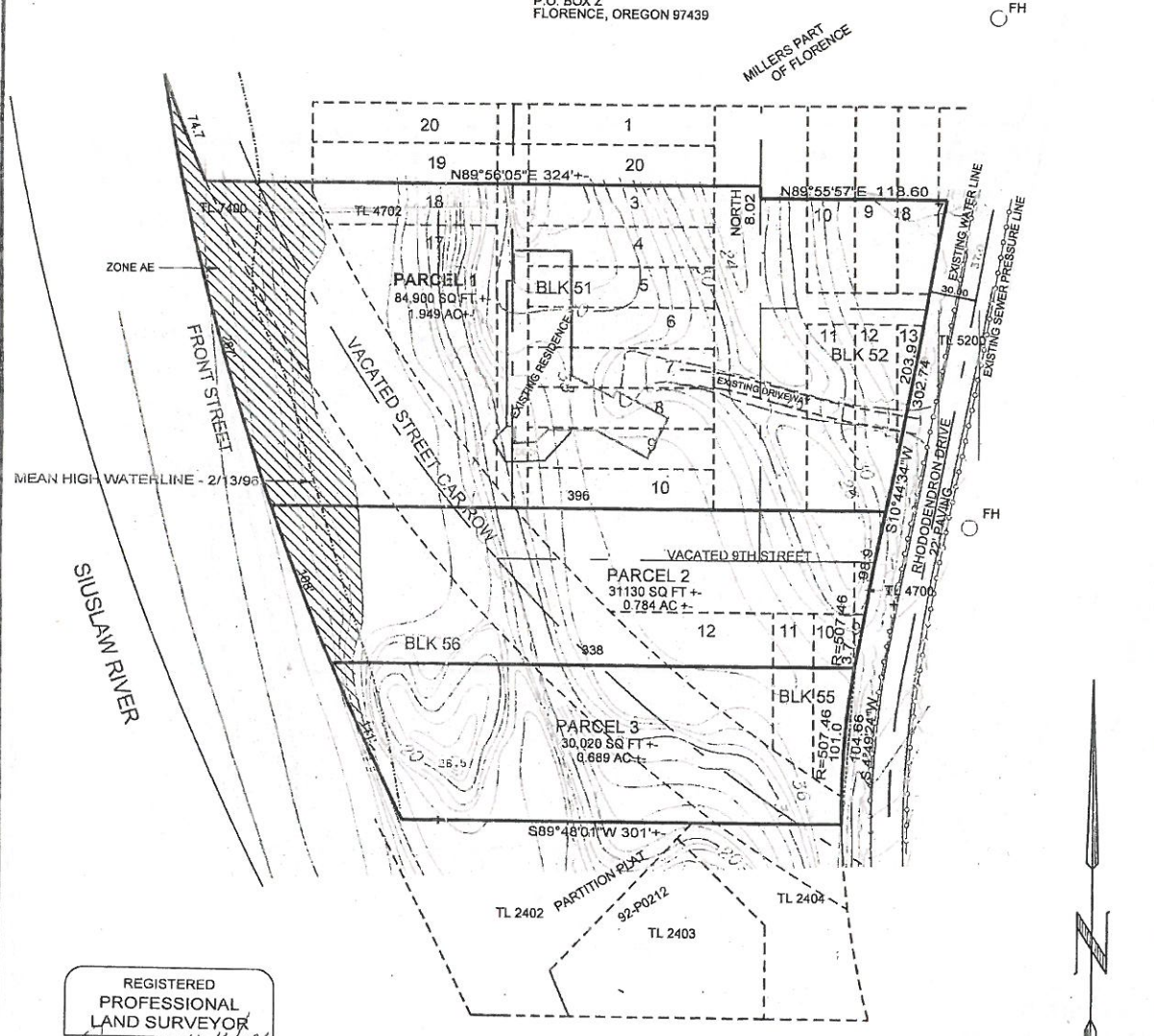
PLANNING DEPARTMENT / CITY OF FLORENCE / 250 HWY 101/ FLORENCE, OREGON 97439  
PHONE: (541) 997-8237

SHEET 2 OF 3

EXHIBIT B

SCALE DRAWING  
TENTATIVE MINOR PARTITION (REPLAT)

JUNE 15, 2015  
MAP 18-12-27-3-2 TL 4700, 4702, 7400  
OWNER: WILLIAM GARY CLAWSON  
P.O. BOX 2  
FLORENCE, OREGON 97439



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Eugene M. Wobbe*  
OREGON  
JULY 30, 1978  
EUGENE M. WOBBE  
1093  
P.L.S. EXPIRATION DATE: 6-30-2016

NOTES:  
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CITY OF FLORENCE TOPOGRAPHIC MAPS  
DIMENSIONS SHOWN ARE PRELIMINARY AND  
SUBJECT TO CHANGE FOR THE FINAL PLAT.

WOBBE & ASSOCIATES, INC.  
510 KINGWOOD ST./P.O. BOX 3093  
FLORENCE, OR 97439

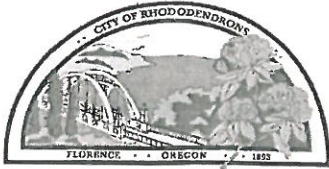


PLANNING DEPARTMENT / CITY OF FLORENCE / 250 HWY 101/ FLORENCE, OREGON 97439  
PHONE: (541) 997-8237

FILE NUMBER

SHEET 2 OF 3

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JUL - 2 2015  
By: *[Signature]*



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JUN 16 2015  
By: GAS

# City of Florence

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

## Land Use Application for Tentative Subdivision or Partition

### I. Type of Request

- Minor Partition\* ( $\leq 3$  parcels & no new roads)  
(see also FCC 11-2)
- Major Partition or Subdivision  
( $>3$  Parcels or lots and/or new road)  
(see also FCC 11-3)
- Modification to requirements Title 10,  
Chapter 36 or Title 11 (attach additional form)

### II. Applicant Information (\*required information)

\*Name: WILLIAM GARY CLAWSON \*Phone (541) 991 - 6006  
Email Address: \_\_\_\_\_  
\*Mailing address: P.O. BOX Z, FLORENCE, OREGON 97439  
\* Signature: William Gary Clawson \*Date: 6-16-15

### III. Property Owner Information (\*required information)

\*Name: WILLIAM GARY CLAWSON \*Phone (541) 991 -6006  
Email Address: \_\_\_\_\_  
\*Mailing address: P.O. BOX Z, FLORENCE, OREGON 97439  
\*Signature: William Gary Clawson \*Date: 6-16-15

*If applicant and property owner are not the same, either sign or submit a letter of authorization to allow the applicant to act as agent for the property owner. If there are additional people that you would like Staff to correspond with, please add their contact information an additional page or attach a business card. The property owner agrees to allow Planning Staff and Planning Commission on the property. Please notify Staff if special arrangements are needed.*

### IV. Property Description

Did you have a pre-development conference? yes no. (a pre-development conference is an opportunity to ask questions of different departments and obtain help to fill out the application. The cost will be deducted from your land use fee if the pre-development conference is within three months of application)

If yes, When? \_\_\_\_\_ Amount paid \$ \_\_\_\_\_

Property Address: NA

General Location (example: City Hall is SE corner of 2<sup>nd</sup> and Highway 101): 9TH STREET AND RHODODENDRON DRIVE

Assessor's Map and Tax Lot: 18-12-27-32, TL 4700 Lot Size: 146,050 SQ. FT.

Zoning District: RR

(Continue on the next page)

### VII. Additional Information Required

The below is a check list of the required information to determine an application complete. Florence City Code (FCC) references are provided for your convenience. FCC is available at City Hall or on-line at [www.ci.florence.or.us](http://www.ci.florence.or.us) under "City Government", click on "City Code". Copies of the *Florence Transportation System Plan*, *Florence Realization 2020 Comprehensive Plan*, and *Highway 101 Access Management Plan* are available at City Hall for review or purchase.

All drawings need to be submitted as follows:

- 4 full sized sets of plans to scale (1 extra utility plans for larger projects-Please note: A planner may request additional copies for larger projects, once the application has been deemed complete.)
- 1 set reduced to 11" x 17"
- 1 electronic copy (pdf or word, submitted onto CD or emailed)

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

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

Tentative Plan (see also FCC 11-2-2 and FCC 11-3-2)- drawn to a scale of multiples of 10's by a licensed land surveyor or an Oregon registered engineer. Shall include:

- Name and block numbering of proposed subdivision,
- Date, north point, scale of the drawing,
- Description of the location and boundaries of the proposed subdivision or major partition area,
- Names of all recorded subdivisions contiguous to the area,
- Names and addresses of the owner and engineer or surveyor,
- Locations, names, widths of all existing and proposed public and private streets and roads (includes right-of-way and pavement widths) and all reservations or restrictions relating to such private roads and streets,

~~NA~~  Grades and radii of curves of proposed streets,

Elevations of all points used to determine contours (given to true elevation above mean sea level) with base date used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. Contours shall be in the following intervals:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	over 10%

Width and location of all proposed public utility easements,

~~NA~~  stormwater flows, location of existing storm lines, location of stormwater overflow and its impact down stream,

Location of sewer pipes, sizes, man holes, and elevations of existing and proposed pipes,

Domestic water system proposed including the source, pipe locations, sizes and meter locations and hydrants,

~~NA~~  All public areas proposed to be dedicated by the partitioner and the proposed uses thereof such as reserve strips,

~~NA~~  All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed,

A legal description of the boundaries of the entire area owned by the land owner of which the proposed land division is a part; provided, that where the proposed land division comprises all of such area, an affidavit of such fact shall accompany the application,

Dimensions of all proposed lots or/and parcels,

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

Affidavit: (10-2-2-B and FCC 11-3-2-B)- Affidavit of the services of the licensed land surveyor or an Oregon registered engineer.

*NA*  Site Investigation Report (per FCC 10-7-3)

Fire flows- For fire flow information, contact the Fire Marshal, Sean Barrett at (541) 997-3212. *1061 GPM*

*NA*  Signs (per FCC 10-6-6-D)- If proposing signs, (new or existing) provide a drawing or sketch to scale which includes: size, location, materials, colors, and illumination if any *2792 GPM*

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

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

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

*NA*  Stormwater

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

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

*NA*  Traffic Impact Study (per FCC 10-1-1-4-D). Please refer to FCC 10-1-1-4-D to see if a Traffic Impact Study is required.

Describe the conditions and land uses (or attach a map) of all land within 600 feet from the proposed site that is one acre or larger and within 100 feet if the site that is less than an acre: WITHIN 600' IS RESIDENTIAL, MEDICAL AND SENIOR LIVING FACILITY. WITHIN 100' IS RESIDENTIAL

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**V. Utilities**

List public services currently available to the site: (see Florence City Code (FCC) 10-1-1-4-B3)<sup>□</sup>  
Note: For help in filling this section out, please call Dig Safely Oregon 1-800-332-2344 or 811. Include this information on the site or utility plan.

Water Supply: 8 - inch line available in Street(s) \_\_\_\_\_

Sanitary Sewer: 8 - inch line available in Street(s) \_\_\_\_\_

Storm Sewer: NA - inch line available in Street(s) \_\_\_\_\_

Telephone:  is  is not available in Street(s) \_\_\_\_\_

Cable TV:  is  is not available in Street(s) \_\_\_\_\_

Electrical:  is  is not available in Street(s) \_\_\_\_\_

Other (such as fiber optics): \_\_\_\_\_

<sup>□</sup>Include this information in a map format with the utility plans.

Are new streets planned or needed (Please refer to Florence Transportation System Plan)? yes\* no, if so, which ones? \_\_\_\_\_

Are street or utility upgrades planned or needed? yes\* no, if so which ones? \_\_\_\_\_

\*If you answered yes to either of the two questions above, how will the improvements be funded?

\_\_\_\_\_

**VI. Project Description**

Any phasing anticipated yes no, Timetable of proposed improvements: NA

\_\_\_\_\_  
\_\_\_\_\_

Proposal: \*Attach additional sheets if necessary (double sided copies please). Describe the project in detail.

PARTIION REPLAT OF SMALL PARCELS AND VACATED STREETS INTO 3 PARCELS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# WOBBE & ASSOCIATES, INC.

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P.O. BOX 3093  
510 KINGWOOD STREET  
FLORENCE, OREGON - 97439  
Phone (541) 997-8411

## AFFIDAVIT OF SERVICES

I, Eugene M. Wobbe, a register professional land surveyor in the State of Oregon, have been hired to prepare the tentative partition plan for Gary Clawson.

Eugene M. Wobbe      6/15/15  
Eugene M. Wobbe                      Date

SURVEYING

WATER RIGHTS

PLANNING

## Glen Southerland

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**From:** Eugene <wobbe\_assoc@msn.com>  
**Sent:** Thursday, July 02, 2015 2:52 PM  
**To:** Glen Southerland  
**Subject:** RE: Clawson Partition

Glen,

I have completed a Site Investigation report for the partition, However, I did not see any item that related to the "river cut bank". In any event, the river bank has been rip-rapped for the entire length of the property. I have added the missing Northern edge of the contours. Sorry that they were missing, but the scan did not go quite to the property line.

Tax Lot 7400 is miss-mapped on the County Tax Maps. The Clawson ownership extends Southerly only to the lines shown on the Tentative Map. Although the deeds describe the Western boundary as the East line of "Old Rhododendron Drive" (platted as Front Street), the Western portion of the property (including Front Street) has eroded away. For whatever reason, the County is taxing the submerged area as Tax Lot 7400.  
Gene

**Wobbe & Associates, Inc.**  
510 Kingwood Street  
P.O. Box 3093  
Florence, Oregon 97439  
(541) 997-8411

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From: glen.southerland@ci.florence.or.us  
To: wobbe\_assoc@msn.com  
CC: wendy.farleycampbell@ci.florence.or.us  
Subject: Clawson Partition  
Date: Mon, 29 Jun 2015 23:39:17 +0000

Hello Gene,

Good Afternoon!

While I was reviewing your application for the Clawson Partition (935 Rhododendron), I realized that there were a few items that needed clarification:

- A Phase I Site Investigation Report is required (FCC 10-7-4-C-1). The site is identified on the Hazards Map as having river cutbanks. When we receive that (hopefully as soon as possible in order to continue noticing for the July 28<sup>th</sup> PC meeting), we will be able to figure out if a Phase II is needed.
- Are there contours available for the northwestern portion of the parcel? I was under the impression that there is a moderately steep feature there that may be within the section not shown.



- The southernmost extent of the property (Taxlot 7400) is not shown on the application map or very clearly on the plat. Does this area need to be taken care of as part of this partition? It is the southwestern most portion of Block 56 that extends to the 8<sup>th</sup> Street ROW.

Thank you,

**Glen Southerland**

Assistant Planner

City of Florence Planning Department

[ci.florence.or.us](http://ci.florence.or.us)

250 Highway 101

Florence, OR 97439

Phone: (541) 997-8237

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**CITY OF FLORENCE  
PHASE I SITE INVESTIGATION REPORT**

William Gary Clausen  
Applicant

6/29/15  
Date

Minor Partition  
Proposal or Project

18-12-27-3-2 4700, 4702, 7400  
Map No. Tax Lot

To partition the property  
Purpose of Proposal or Project (attach additional sheets, as needed)

Residential - Low Density  
Comprehensive Plan Designation

935 Rhododendron Drive  
Street Address

RR  
Zoning District

Shoreland MU Residential Development  
Overlay District

Based on submitted information, zoning and comprehensive plan requirements, and the completed Site Investigation Report, this proposal **does / does not** comply with Title 10 of the City Code and the Comprehensive Plan. The proposal **will / will not** achieve the stated purpose. The site and/or building design **will / will not** have adverse impacts and **will / will not** mitigate any adverse impacts.

The completed Site Investigation Report is available at the Planning Department.

This investigation was done by:

Eugene M. Wobbe  
Print

Eugene M. Wobbe  
Signature

Land Surveyor  
Title

**PHASE I SITE INVESTIGATION  
INITIAL PROPOSED DEVELOPMENT APPLICATION CHECKLIST**

- | YES                                 | NO                                  |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1. <u>LOCAL ZONING REGULATIONS</u><br>Does the proposed development site plan conform to City, or County Zoning Regulations regarding setback lines and other code provisions? (Contact the City or County Engineer for details.) |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 2. <u>COMPREHENSIVE PLAN SETBACK LINE OR DESIGNATION</u>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | a. Has a Coastal Construction Setback line (CCSBL) been adopted for this County or city? (Inquire from the County or City Engineer.)  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | b. If a CCSBL has been adopted for this County or City is the proposed site seaward of the CCSBL?   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | c. If the proposed site is seaward of the adopted CCSBL, has application for a variance or exception been made to the Planning Commission having jurisdiction?  |

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By: GS

**PHASE 1 SITE INVESTIGATION  
INITIAL PROPOSED DEVELOPMENT APPLICATION CHECKLIST**

YES	NO	
		<b>3. <u>DUNAL FORMS</u></b>
	<input checked="" type="checkbox"/>	a. Does the property contain any of the following dune formations?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Active Dune
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Newer Stablized Dune
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Older Stablized Dune
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Deflation Plan
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. leading Edge of Sand dune
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Foredune
		<b>3. <u>IDENTIFIED HAZARDOUS CONDITIONS</u></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. Has any portion of the property been identified as being affected by any potential or existing geological hazard? (Contact County or City Planning Departments for information published by the State Department of Geology and Mineral Industries, US Department of Agriculture-Soil Conservation Service, US Geological Survey, US Army Corps of Engineers and other government agencies.)
		b. Are any of the following identified hazards present?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. foredune
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Active Dunes
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Water erosion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Flooding
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Wind erosion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Landslide or sluff activity
		7. leading edge of active Sand Dune
		c. Are there records of these hazards ever being present of the site? Describe:
		<b>4. <u>EXISTING SITE VEGETATION</u></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Does the vegetation on the site, afford adequate protection against soil erosion from wind and surface water runoff?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	c. Does the condition of vegetation present constitute a possible fire hazard or contributing factor to slide potential? (If answer is Yes, full details and possible remedies will be required.)
		<b>5. <u>FISH AND WILDLIFE HABITAT</u></b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. Does the site contain any identified rare or endangered species or unique habitat (feeding, nesting or resting)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	b. Will any significant habitat be adversely affected by the development? (Contact Oregon Department of Fish and Wildlife,)
		<b>6. <u>HISTORICAL AND ARCHEEOLOGICAL SITES</u></b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are there any identified historical or archaeological sites within the area proposed for development? (Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.)
		<b>7. <u>FLOOD PLAIN ELEVATION</u></b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. If the elevation of the 100 year flood plain or storm tide has been determined, does it exceed the existing ground elevation at the proposed building site? (Contact the Federal Insurance Administration, City or County Planning

**PHASE I SITE INVESTIGATION  
INITIAL PROPOSED DEVELOPMENT APPLICATION CHECKLIST**

YES	NO	
		Departments for information on 100 year flood plain. Existing site elevations can be identified by local registered surveyor.)
<u>X</u>		b. If elevations of the proposed development is subject to flooding during the 100 year flood or storm tide, will the lowest habitable floor be raised above the top of the highest predicted storm-wave cresting on the 100 year flood or storm tide?
		<b>8. <u>CONDITION OF ADJOINING AND NEARBY AREAS</u></b>
		Are any of the following natural hazards present on the adjoining or nearby properties that would pose a threat to this site?
<u>    </u>	<u>  X</u>	a. Active dunes
<u>    </u>	<u>  X</u>	b. foredune
<u>    </u>	<u>  X</u>	c. Storm runoff erosion
<u>    </u>	<u>  X</u>	d. Wave undercutting or wave overtopping
<u>    </u>	<u>  X</u>	e. Slide areas
<u>    </u>	<u>  X</u>	f. Combustible vegetative cover
		(Contact County and City Planning staffs for local hazard information.)
		<b>9. <u>DEVELOPMENT IMPACTS</u></b>
<u>    </u>	<u>  X</u>	a. Will there be adverse off-site impacts as a result of this development?
<u>    </u>	<u>  X</u>	b. Identify possible problem type
<u>    </u>	<u>  X</u>	1. Increased wind exposure
<u>    </u>	<u>  X</u>	2. Open sand movement
<u>    </u>	<u>  X</u>	3. Vegetative destruction
<u>    </u>	<u>  X</u>	4. Increased water erosion (storm runoff, driftwood removal, reduction of foredune, etc.)
<u>    </u>	<u>  X</u>	5. Increased slide potential
<u>    </u>	<u>  X</u>	6. Affect on aquifer
<u>  X</u>	<u>    </u>	c. Has landform capability (density, slope failure, groundwater, vegetation, etc) been a consideration in preparing the development proposal?
<u>  X</u>	<u>    </u>	d. Will there be social and economic benefits from the proposed development?
<u>  X</u>	<u>    </u>	e. Identified benefits
<u>  X</u>	<u>    </u>	1. New jobs
<u>  X</u>	<u>    </u>	2. Increased tax valuation
<u>    </u>	<u>  X</u>	3. Improved fish and wildlife habitat
<u>    </u>	<u>  X</u>	4. Public access
<u>  X</u>	<u>    </u>	5. Housing needs
<u>    </u>	<u>  X</u>	6. Recreation potential
<u>    </u>	<u>  X</u>	7. Dune stabilization (protection of other features)
<u>    </u>	<u>    </u>	8. Other _____
		<b>10. <u>PROPOSED DESIGN</u></b>
<u>    </u>	<u>  X</u>	a. Has a site map been submitted showing in detail exact location of proposed structures?
<u>    </u>	<u>  X</u>	b. Have detailed plans showing structure foundations been submitted?
<u>    </u>	<u>  X</u>	c. Have detailed plans and specifications for the placement of protective structures been submitted if need is indicated?
<u>    </u>	<u>  X</u>	d. Has a plan for interim stabilization, permanent revegetation and continuing vegetative maintenance been submitted?
		e. Is the area currently being used by the following?

**PHASE 1 SITE INVESTIGATION  
INITIAL PROPOSED DEVELOPMENT APPLICATION CHECKLIST**

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Off-road vehicles
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. motorcycles
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. horses
<input type="checkbox"/>	<input checked="" type="checkbox"/>	f. Has a plan been developed to control or prohibit the uses of off-road vehicles, motorcycles and horses?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. <u>LCDC COASTAL GOAL REQUIREMENTS</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. Have you read the LCDC Goals affecting the site? (contact LCDC, City or County office for copies of Goals.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Have you identified any possible conflicts between the proposed development and the Goals or acknowledged comprehensive plans? (If so, list them and contact local planning staff for possible resolution.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c. Have all federal and state agency consistency requirements been met? (Contact local planning office.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. Has applicant or investigator determined that the development proposal is compatible with the LCDD Beaches and Dunes Goal and other appropriate statewide land use planning laws?

Rev. 4/09

