

CITY OF FLORENCE PLANNING COMMISSION
October 10, 2017 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson John Murphey called the meeting to order at 7:00 p.m. Roll call: Chairperson John Murphey, Vice Chairperson Robert Bare, Commissioner Brian Jagoe, Commissioner Clarence Lysdale, Commissioner Sandi Young and Commissioner Ron Miller were present. Commissioner Michael Titmus was absent and excused. Also present: Planning Director Wendy FarleyCampbell, Associate Planner Glen Southerland, and Admin Asst Vevie McPherran.

APPROVAL OF AGENDA

Vice Chairperson Bare motioned to approve the agenda. Commissioner Young seconded. By voice, all ayes. The motion passed.

APPROVAL OF MINUTES

Commissioner Lysdale motioned to approve the minutes of August 22, 2017. Commissioner Miller seconded. By voice, all ayes. The motion passed.

PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **three minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARING

Chairperson Murphey announced there were three public hearings before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualifications of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

Chairperson Murphey asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. There were no declarations. There were no challenges from the audience. Chairperson Murphey opened the public hearing at 7:04 p.m.

RESOLUTION PC 17 02 CUP 02 – Port of Siuslaw Rip Rap: *Continued from May 23, 2017.* The applicant is seeking approval of a Conditional Use Permit to perform campsite C-Row Erosion Repairs (Revetment/Bulkhead Installation – Rip Rap) at the Port of Siuslaw Campground. Property is located on the Siuslaw River, Map #18-12-26-00 Tax Lots 00700 & 00701 in the Waterfront/Marine District regulated by FCC Title 10 Chapter 24 as well as Mixed Development Shoreland Overlay, Development Estuary, Natural Estuary, and Conservation Estuary Districts regulated by FCC Title 10 Chapter 19. (Applicant withdrew application)

AP Southerland stated there was no staff report. He explained that a letter had been received from the Port of Siuslaw to withdraw their application however, it had remained open for any who wished to provide testimony. There was no public testimony.

Chairperson Murphey closed the public hearing at 7:05 p.m.

Chairperson Murphey stated that all Public Hearing criteria still applied and introduced **Resolution PC 17 20 PT 03 – Tipler Minor Partition & PC 17 14 VAR 01 – Side Lot Line Variance**: An application from Marvin Tipler, on behalf of Merle Tipler, requesting a minor partition to property located at 05518, 05516 and 05516-1 North Fork Siuslaw Road to divide one developed lot into three parcels. All three Parcels will abut North Fork Siuslaw Road. Tentative Partition is located at Assessor’s Map #18-12-24-32 Tax Lot #02100. Additionally, a request for a side yard setback variance for a 2.4’ reduction to those required by the RR District for Parcel 3 of the aforementioned partition request. He asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. There were no declarations or challenges.

Chairperson Murphey opened the public hearing at 7:07 p.m. asked for the staff report.

AP Southerland presented the staff report that included a brief introduction and the addition of Exhibit C1, D1, E and F that had been delivered on the Dais. He gave an overview of the significant wetland map and how it might impact the property owner. He noted the added requirements submitted by Lane County and pointed out if the wetland extended to the property line, that would leave 2,100 and 4,260 square foot building pads. AP Southerland concluded and stated that staff recommended approval with conditions of approval and Lane County requirements (see attachments).

Commissioner Lysdale inquired about the 50 feet of abutting property that was informational on the plot plan and AP Southerland explained that it was elevation noted by the surveyor as he attempted to establish where the mean highwater was. Vice Chairperson Bare inquired about the shared driveway for parcel #2 and there was brief discussion regarding the options of a shared driveway and a possible easement. Commissioner Jagoe asked if an additional survey was necessary to confirm the wetland setback and AP Southerland indicated if the surveyor was able to establish how the previous survey done for the mean highwater related to the wetland edge then that would be acceptable. There was discussion regarding the method of measurement of the wetland. Commissioner Lysdale questioned the legal aspects of not establishing an easement for parcel #2 and AP Southerland agreed that might be beneficial for any future plans for extension. Commissioner Jagoe inquired as to the possibility of widening one of the existing driveways and AP Southerland stated that it would be up to Lane County.

Applicants – Marvin Tipler and Aron Tipler – Florence, OR

Mr. Marvin Tipler stated that he did not have a presentation however, he said that Lane County had required them to provide a shared driveway on their property across North Fork Siuslaw Road and he was hopeful that would apply to the proposed shared driveway of parcel #2. He continued and said that their intention was to construct 50 feet from the property line eliminating an impact of a wetland buffer. Mr. Aron Tipler concluded and stated that they had conducted a LOMA study and the intention was to build 50 feet away from the property to avoid the flood insurance that would be otherwise required.

Chairperson asked the applicants if they had read and understood the staff report and agreed with the conditions of approval and Mr. Marvin Tipler responded that he did. There was no public testimony. AP Southerland restated that staff recommended approval.

Chairperson Murphey closed the public hearing at 7:34 p.m.

Commissioner Jagoe motioned to approve Resolution PC 17 20 PT 03 – Tipler Minor Partition & PC 17 14 VAR 01 – Side Lot Line Variance with the addition of Conditions 7.1 through 7.5 submitted by Lane County and Informational 1 regarding the setback requirements. Vice Chairperson seconded.

There was no Commission discussion.

By roll call vote: Commissioner Lysdale, “yes”; Commissioner Jagoe, “yes”; Commissioner Young, “yes”; Commissioner Miller, “yes”; Chairperson Murphey, “yes”; Vice Chairperson Bare, “yes”. Commissioner Titmus was absent and excused. Motion passed 6-0.

PLANNING COMMISSION DISCUSSION ITEMS

There were none.

CALENDAR

PD FarleyCampbell said that the next HEOP meeting would be December 6th and reminded the Commissioners of the Tuesday, October 17th meeting that would consider the City of Florence Remodel. She reported presently no meeting scheduled for the month of November. She noted that Goodwill would be painting the exterior of the old RiteAide building and the State would be installing additional crossing on Highway 101 at 12th Street and 15th Street and at Highway 126 and Redwood. AP Southerland said that there would be some upcoming code changes due to the last legislative session.

Chairperson Murphey adjourned the meeting at 7:39 p.m.


Chairperson, John Murphey
Florence Planning Commission

Date

DRAFT

Tipler Partition

PC 17 14 VAR 01 & PC 17 20 PT 03



• Tipler Minor Partition & Side Lot Line Variance 10/10/17 • 2

Introduction

- August 28, 2017 – Annexation of property
- August 30, 2017 – Application for Minor Partition received
- September 21, 2017 – Application deemed complete

• Tipler Minor Partition & Side Lot Line Variance 10/10/17 • 2

Applicable Criteria

Florence City Code, Title 10:
 Chapter 1: Zoning Administration, Sections 1-4, 1-5 & 1-6-3
 Chapter 2: General Zoning Provisions, Sections 13 & 14
 Chapter 5: Zoning Variances, Sections 2 through 7
 Chapter 7: Special Development Standards, Sections 3, 5 & 6
 Chapter 10: Restricted Residential, Sections 2, 4 & 5
 Chapter 19: Estuary & Shorelands, Section 10
 Chapter 36: Public Facilities, Sections 1 through 8

• Tipler Minor Partition & Side Lot Line Variance 10/10/17 • 3

Applicable Criteria (con't.)

Florence City Code, Title 11:
 Chapter 1: Subdivision Administration, General Provisions, Sections 2 & 3
 Chapter 2: Minor Partitioning Procedure, Sections 1 through 9
 Chapter 5: Platting and Mapping Standards, Sections 1 through 5

Realization 2020 Florence Comprehensive Plan:
 Chapter 16: Siuslaw River Estuarine Resources, Policies 5 & 15
 Chapter 17: Coastal Shorelands – Ocean, Estuary, and Lake Shorelands, Policies 12 & 14

• Tipler Minor Partition & Side Lot Line Variance 10/10/17 • 4

Applicable Criteria (con't.)

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

Lane Code:
 15.137, 15.138 and 15.205

• Tipler Minor Partition & Side Lot Line Variance 10/10/17 • 5

Additions & Corrections

Correction: "Date of Report" (Page 1) should read October 4, 2017

Additions: Exhibit E – Lane County Transportation Planning Testimony (Rec. 10/9)
 Exhibit F – Cole Testimony (Rec. 10/9)
 Exhibit C1 – 80' Lot Width (Rec. 10/4)
 Exhibit D1 – High Water (Rec. 10/6)
 Conditions 7.1 through 7.5 & Informational 1

• Tipler Minor Partition & Side Lot Line Variance 10/10/17 • 5

Staff Recommendation

Approve Resolutions PC 17 14 VAR 01 and PC 17 20 PT 03 for the side lot line variance and minor partitioning of the applicant's property with the following conditions of approval:

• Title: Minor Partition & Side Lot Line Variance

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Conditions

4. Final filed prior to Oct. 10, 2018 unless an extension is applied for.
5. **Shoreland Standards**
 - 5.1. SUP prior to building permit for Parcels 1 and 2.
 - 5.2. Proposals within NRC shall meet criteria of FCC 10-19.
6. **Partition Requirements**
 - 6.1. Submit legal description of proposed parcels with final.
 - 6.2. Final shall meet reqs. of FCC Title 11.

• Title: Minor Partition & Side Lot Line Variance

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Conditions

- 6.3. Conditions met by Oct. 10, 2018 (expiring)
- 6.4. Info on number and type of monuments.
7. **Lane County Requirements**
 - *7.1. Stormwater runoff from the subject property shall not be directed to the Lane County right-of-way or Lane County drainage facilities, including roadside ditches. Stormwater shall be kept on-site for each Parcel.
 - *7.2. The minimum front setback for the created proposed Parcels shall be 35 feet.

• Title: Minor Partition & Side Lot Line Variance

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Conditions

- *7.3. Consolidation of access. Parcel 2 accessed only through easement to either Parcel 1, Parcel 3, or both (if desired).
- *7.4. Lane Co. ROW Permits for work in ROW, including removal or addition of driveways to the property.
- *7.5. Backing onto N. Fork Siuslaw Road shall be prohibited. Driveway facilities shall be constructed which will allow vehicles to safely enter the roadway.

• Title: Minor Partition & Side Lot Line Variance

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Conditions

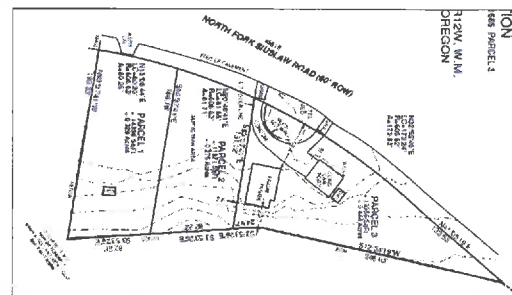
*Informational 1.

Setback requirements for rear lot lines will be 10 feet + 50 feet from the edge of (presumably significant) wetland areas located to the east of the property. No construction, fill, or vegetation removal will be permitted within these setback areas. Review will occur at submittal of SUP application.

• Title: Minor Partition & Side Lot Line Variance

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Questions?



• Title: Minor Partition & Side Lot Line Variance

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PARCEL 3
 19356 SqFt
 0.444 Acres

NORTH FORK
 60' PUBLIC RIGHT OF WAY

335.66' TOTAL ARC LENGTH
 (335.80' TOTAL ARC LENGTH A)

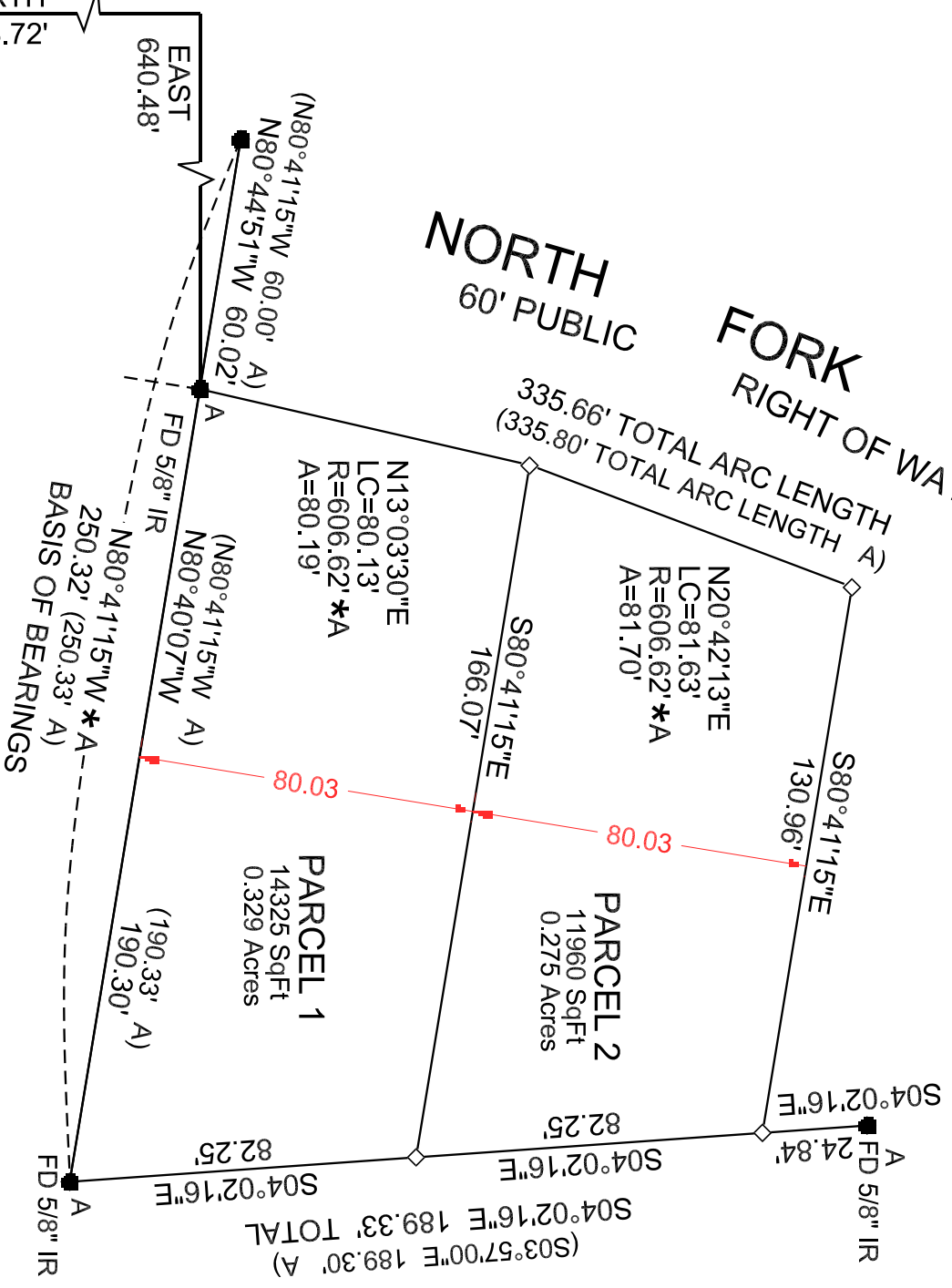
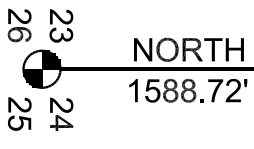
N20°42'13"E
 LC=81.63'
 R=606.62' *A
 A=81.70'

N13°03'30"E
 LC=80.13'
 R=606.62' *A
 A=80.19'

PARCEL 2
 11960 SqFt
 0.275 Acres

PARCEL 1
 14325 SqFt
 0.329 Acres

N80°41'15"W *A
 250.32' (250.33' A)
 BASIS OF BEARINGS

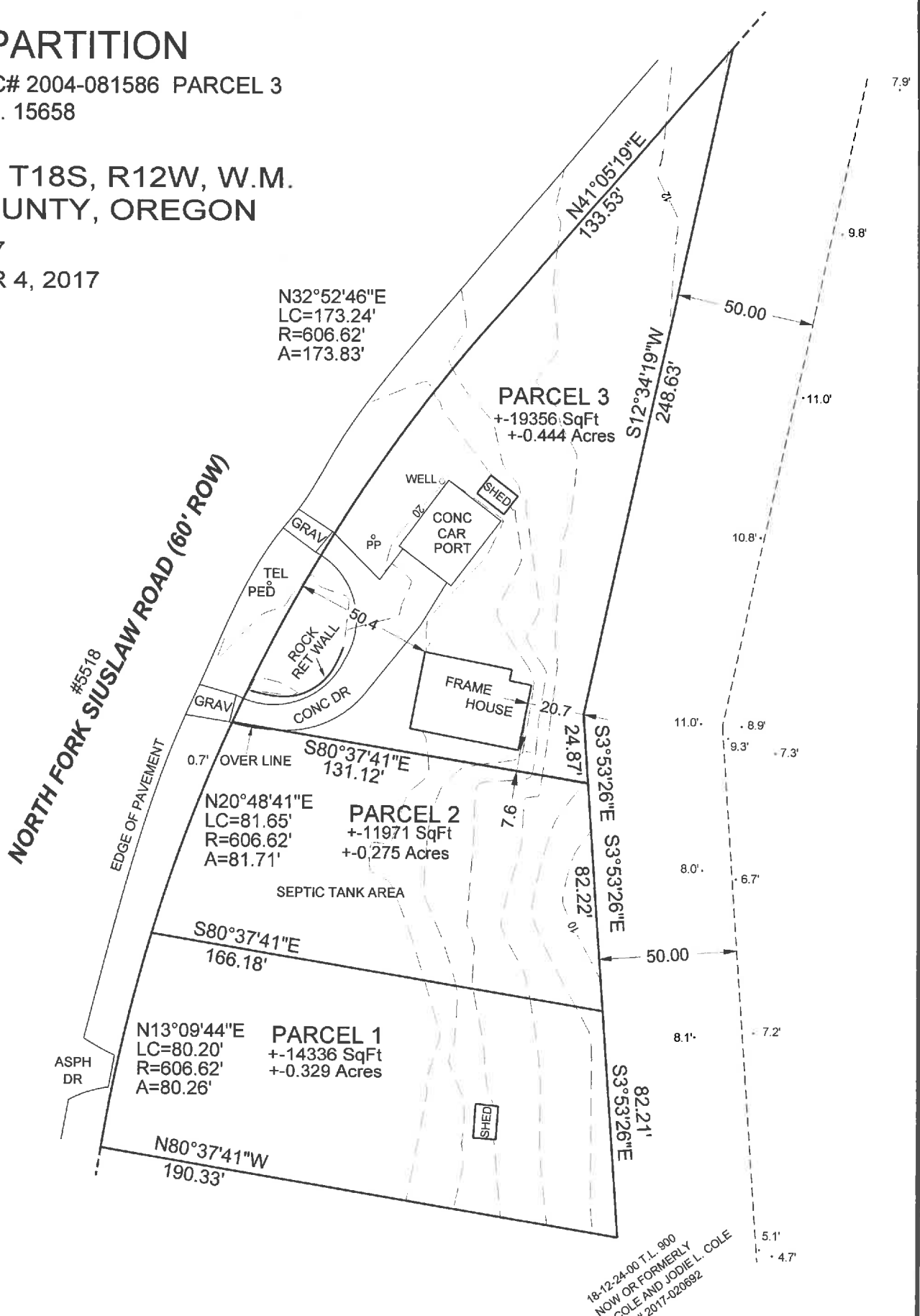


TENTATIVE MINOR PARTITION

OF THAT LAND DESCRIBED IN DOC# 2004-081586 PARCEL 3
AND SHOWN IN C.S.F. 15658

NW 1/4, SW 1/4, SEC. 24, T18S, R12W, W.M.
FLORENCE, LANE COUNTY, OREGON

JUNE 26, 2017
REVISED OCTOBER 4, 2017



NOTES:

DIMENSIONS SHOWN HEREON ARE PRELIMINARY ONLY AND ARE SUBJECT TO CHANGE ON FINAL MAP.

ELEVATIONS ARE NGVD 1929. MEAN HIGH WATER IN FLORENCE IS +3.0' AND IN CUSHMAN IS +3.2' PER NOAA STUDY OF THE SIUSLAW RIVER DATED MARCH 7, 1975 AND APPROXIMATING SEA LEVEL RISE SINCE THAT DATE. THERE IS NO KNOWN STUDY AVAILABLE CLOSER TO THIS SITE.

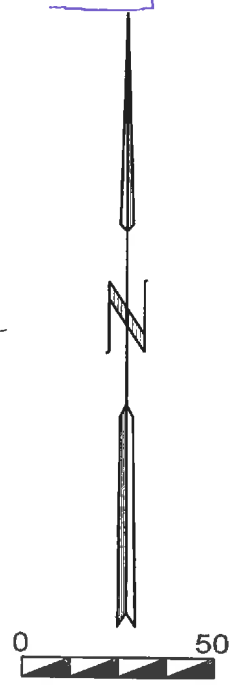
APPLICANT: MARVIN TIPLER
 OWNER: MERLE J. TIPLER
 TRUSTEE OF THE TIPLER FAMILY TRUST
 5518 NORTH FORK SIUSLAW ROAD
 FLORENCE, OREGON 97439
 SITE ADDRESS: 5518 NORTH FORK SIUSLAW ROAD
 SURVEYOR: EUGENE M. WOBBE, P.L.S., W.R.E.
 WOBBE & ASSOCIATES, INC.
 510 KINGWOOD ST./P.O. BOX 3093
 FLORENCE, OR 97439
 (541) 997-8411
 MAP NO.: 18-12-25-3-2 TL 2100
 SEWER: FUTURE CITY OF FLORENCE
 WATER: FUTURE CITY OF FLORENCE
 TELEPHONE: CENTURYLINK
 POWER: CENTRAL LINCOLN P.U.D.
 ZONING: FUTURE CITY OF FLORENCE RR

RECEIVED
City of Florence
OCT 04 2017
By: *gdfc*

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Angus MacManus
OREGON
JULY 12, 2005
ANGUS MACMANUS
76653
P.L.S. EXPIRATION DATE: 12-31-2018

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



Glen Southerland

From: WITZIG Monica C <Monica.WITZIG@co.lane.or.us>
Sent: Tuesday, October 03, 2017 12:35 PM
To: Glen Southerland
Cc: REESOR David R; GREEN Lori M; PAUGH Jennifer A; LEMHOUSE Brad; PARKER Laurie M
Subject: Lane County Transportation Comments for PC 17 20/PT 03 (Tipler Minor Partition) at N Fork Siuslaw Road

CITY OF FLORENCE FILES: PC 17 20/PT 03
LANE COUNTY TP FILE: TBA
MAP & TAX LOT: 18-12-24-32-02100
OWNER: Tipler Family Trust
APPLICANT: Marvin Tipler
PROPOSAL: **A REQUEST FOR A MINOR PARTITION TO PROPERTY LOCATED AT 05516, 05516-1, AND 05518 NORTH FORK SIUSLAW ROAD TO DIVIDE ONE DEVELOPED LOT INTO THREE PARCELS. ALL THREE PARCELS WILL ABUT NORTH FORK SIUSLAW ROAD.**

Hello Glen,

Thank you for the opportunity to review and comment on this proposal. Please accept the following comments from Lane County Transportation Planning for the above-referenced request:

COMMENTS FROM LANE COUNTY TRANSPORTATION PLANNING

CONDITIONS

Lane County Transportation Planning recommends the following condition of approval:

- Stormwater runoff from the subject property must not be directed to the Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches.

Lane County Transportation Planning recommends the following, though not as conditions of approval given that development is not proposed:

- At the time of development, an additional front yard setback of 15 feet from the minimum required setback is recommended to account for the required right-of-way width though not required if such a setback precludes compliance with City of Florence development standards or if the segment of North Fork Siuslaw Road fronting the subject property is no longer within Lane County's jurisdiction.
- Lane County Transportation Planning would support the consolidation of driveway approaches in the future to the extent feasible pursuant to 15.137(9). However, staff note that LC 15.137(8) prohibits backing out onto collectors. Thus, the existing driveway that serves Parcel 1 allows vehicles leaving the property to be consistent with LC 15.137(8).
- At the time of development outside the scope of Lane Code 15.135(6), Lane County Facility Permit approval is required for the modification and/or removal of existing driveways and/or the addition of new driveways at the subject property if the segment of North Fork Siuslaw Road fronting the property remains under Lane County jurisdiction at this time. For more information about Facility Permits, please call 541.682.6902 or visit: https://lanecounty.org/government/county_departments/public_works/right-of-way_permits/facility_permits/

FINDINGS

The subject property “property” is adjacent to North Fork Siuslaw Road (N Fork Road) where the road intersects Munsel Lake Road. The subject property is within the Florence Urban Growth Boundary and was recently annexed into Florence city limits under City Files PC 17 15 and ANN 01.

N Fork Road is functionally classified as a Rural Major Collector. Munsel Lake Road is classified as an urban major collector. Both roads are currently under Lane County jurisdiction. N Fork Road’s classification as a Rural Major Collector—as opposed to a Rural Local Road—requires development proposals for the subject property to remain consistent with the development requirements of Lane Code (LC) Chapter 15 upon annexation of the right-of-way until jurisdictional transfer of the segment of the road along the property’s frontage occurs in accordance with ORS 373.270 [LC 15.610, LC 15.696(2)].

For the purpose of establishing development setbacks from the right-of-way of N Fork Road, the minimum required right-of-way width of N Fork Road is 80 feet [LC 15.070(c)(i)(ee)]. The existing right-of-way width of North Fork Road fronting the parcels is approximately 60 feet. As measured using Lane County TransMap in accordance with LC 15.070(1)(c), the property is currently 25 feet (+/-) from the centerline of N Fork Road. Accordingly, a setback of an additional 15 feet from the front property line is recommended to account for the required right-of-way width unless such a setback precludes compliance with City of Florence development standards or if the segment of North Fork Siuslaw Road fronting the subject property is no longer within Lane County’s jurisdiction.

The findings below address requirements of the LC that are relevant to the specific request. The full language of LC Chapter 15 is available for review at: <https://www.lanecounty.org/cms/one.aspx?portalId=3585881&pageId=4119453>

LC 15.135: General Access Requirements

Based on the Preliminary Partition Plan, the driveways shown appear to be existing driveways. The Plan does not show proposed access to Parcel 2. Assuming Parcel 2 will have its own access, the driveway must meet spacing requirements and obtain Facility Permit approval as noted below. If an easement through Parcels 1 or 3 is proposed to provide access to Parcel 2, such easement must comply with City of Florence requirements for easements as opposed to Lane County’s requirements due to the property’s location within Florence city limits.

LC 15.135(6) applies to Parcels 1 and 3 of the request as shown on the Site Plan given that no development is proposed at this time:

When a lot or parcel is the site of an existing building, the lot or parcel shall be deemed to meet the access provisions of LC 15.135 through LC 15.139 when a building permit application is for the remodeling, alteration or replacement of an existing structure or the addition of an accessory building and no additional dwelling units or guest houses are created.

At the time of constructing any dwellings or additional buildings proposed for occupancy on Parcels 1 through 3 that fall outside the scope of LC 15.135(6), Lane County’s access management, spacing standard, and Facility Permit process will apply to such development if jurisdictional transfer of the segment of N Fork Road has not yet occurred.

LC 15.137, 15.138: Access Management Requirements/Roadway and Driveway Spacing Standards

Within urban growth boundaries, block length and connectivity policies and standards specified in city transportation system plans and city development codes apply [LC 15.137(6)(a)]. The property is located within the Florence Urban Growth Boundary. Accordingly, Lane County defers to the City of Florence to apply its policies and standards for block length and connectivity.

Lane County Transportation Planning would support the consolidation of approaches in the future to the extent feasible pursuant to 15.137(9). If the property was within Lane County’s jurisdiction and remained under contiguous ownership, the minimum required spacing between driveways would be 400 feet [LC 15.138(6)]. Staff also note that backing out onto Rural Collectors is prohibited [LC 15.137(8)]. The existing circular driveway may be seen as a safety measure to comply with LC 15.137(8).

LC 15.205: Facility Permits

Facility Permit approval is required if specified as a condition of approval in a land division or other land use decision [LC 15.205(3)(c)]. Lane County Transportation Planning found no record of Facility Permits obtained at the subject property. Permit numbers 51069 and 170381 were issued for property across the road at Tax Lots 1900 and 2000. Given that (re)development is not proposed at this time, Facility Permit approval is not required.

Facility Permit approval will be required for the placement of facilities within the right-of-way of a County Road if and when the existing driveways are modified and new approaches are proposed if the segment of N Fork Road fronting the property remains under Lane County jurisdiction at this time. Facilities and development include, but are not limited to: road improvements; sidewalks; new or reconstructed driveway or road approach intersections; utility placements; excavation; clearing; grading; culvert placement or replacement; storm water facilities; or any other facility, thing, or appurtenance [LC 15.205(1)].

Lane Manual 15.515: Drainage

In accordance with Lane Manual 15.515, stormwater runoff from private property must not be directed to the Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches. Ditches adjacent to County roads are designed solely to accommodate stormwater runoff generated from roadways themselves.

Monica Witzig | Engineering Associate

Transportation Planning | Lane County Public Works

McKenzie Building

3040 N Delta Hwy. | Eugene, OR 97408

T: 541.682.6996 | F: 541.682.6946

10/9/17

To: City of Florence Planning Commission

Fm: Brian Cole...5502 N. Fk. Siuslaw Rd. Florence Or 97439

Info: Florence City Council

Subj: Tipler Property Partitioning Notification

I am an immediate adjoining property owner to the property being considered per Resolution PC 200T 03. The subject property abuts my property on two sides. My concerns are regarding applicable criteria pertaining to the City Code Title 10, Chapter 19 issues, and the Realization 2020 Florence Comprehensive Plan; Chapters 16 & 17 criteria.

This issue has transgressed from a single lot partition to a triple lot partition. A multiple lot partitioning plays a more significant role to potential adverse wetland and estuary impacts. Such potential adverse issues can be immediately observed with the observation of the complete timber harvest that occurred immediately adjacent to a wetland/estuary "spring" along the southern, north/south property line. I have heard no plans of replanting protective vegetation. Having the property placed on city sewer is a definite plus.

The City of Florence had a wetland/estuary study done in the recent past that identifies the requested property partitioning to be abutting that which has been identified as wetlands and estuary. (Comprehensive Plan)

Physical examination will show that 1/3 of the property immediately slopes into the wetland....(as can be seen on the dotted contour lines of the map). Thus; the question of potential fill should be identified. Additionally the question of potential adverse impacts of multiple residential use should be considered and possible mitigating issues discussed. I was originally under



the impression one additional house would be built on a new single partitioned lot.

One home occupying the requested lot has far less impacts than two. And two additional would appear to require an extensive fill placement immediately adjacent to, and possibly into the wetland. As I see it one additional house could be placed on the lot if it were partitioned into two residential lots; with far less concern than having 3 homes placed on the Merle Tipler property.

So how many homes will be allowed with the lot going from a single family dwelling lot; to a lot partitioned into three parts? What fill limitations will be placed on the property? What potential risks exist to the wetlands and estuary, and if any are found what form of mitigating remedy might occur? Are there plans to replant protective vegetation?

Brian Cole



5502 N. Fk. Siuslaw Rd.

Florence Or, 97439

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 17 14 VAR 01 & PC 17 20 PT 03

A REQUEST FOR APPROVAL OF A TENTATIVE MINOR PARTITION OF A PARCEL CREATING THREE SEPARATE PARCELS AND SIDE YARD SETBACK VARIANCE FOR PARCEL 3 OF TIPLER PARTITION PC 17 20 PT 03, LOCATED AT 5518 NORTH FORK SIUSLAW ROAD, ASSESSOR’S MAP 18-12-24-32, TAX LOT 02100

WHEREAS, application was submitted by property owners Merle Tipler, represented by Marvin Tipler, as required by FCC 10-5, 10-1-1-4, 10-1-1-5, 11-3-1, and 11-5-5; and

WHEREAS, the Planning Commission met in a duly advertised public hearing on October 10, 2017 to consider the application, evidence in the record and testimony received as per FCC 10-1-1-6-3; and

WHEREAS, the Planning Commission held a public hearing on October 10, 2017 to consider the application and evidence in the record as per FCC 10-1-1-6-3, 10-5, and 11-3-4;

NOW THEREFORE BE IT RESOLVED that 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 subject to the following:

Conditions of Approval:

1. Approval shall be shown on:

“A” Findings of Fact
“B” Tentative Minor Partition
“C” Land Use Application, Phase I SIR & LOMA Determination
“D” Supplemental Property Information
“E” Lane County Referral Comments

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. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.
4. The final partition plat shall be filed prior to October 10, 2018 unless an extension is applied for prior to that date, meeting the criteria listed in FCC 10-5-7.
5. **Shoreland Standards**
 - 5.1. The applicant shall submit an application for Special Use Permit obtained through a Type II review prior to seeking approval of a building permit application for homes on Parcel 1 and 2.
 - 5.2. Proposals within the Natural Resource Conservation areas shall meet the listed criteria of FCC 10-19.
6. **Partition Requirements**
 - 6.1. The applicant shall submit the legal description of the proposed parcels to the Planning Department with the application for final partition.
 - 6.2. 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.
 - 6.3. If conditions set at the time of approval have not been fulfilled within one year (October 10, 2018), the minor partition approval shall expire.
 - 6.4. The applicant shall submit information regarding the type and number of monuments with the final partition plan.
7. **Lane County Requirements**
 - 7.1. Stormwater runoff from the subject property shall not be directed to the Lane County right-of-way or Lane County drainage facilities, including roadside ditches. Stormwater shall be kept on-site for each Parcel.
 - 7.2. The minimum front setback for the proposed Parcels shall be 35 feet.
 - 7.3. Access onto North Fork Siuslaw Road shall be gained from existing driveways on Parcels 1 or 3. If needed, easement shall be provided for access gained through shared driveways.
 - 7.4. Permits for work within the Lane County jurisdictional right-of-way shall be obtained for all work within the right-of-way, including the removal or addition of driveways to the created parcels.

- 7.5. Backing onto North Fork Siuslaw Road shall be prohibited. Driveway facilities shall be constructed which will allow vehicles to safely enter the roadway.

Informational 1.

Setback requirements for rear lot lines for the parcels will be 10 feet (5 feet for accessory buildings) + 50 feet from the edge of the (presumably significant) wetland areas located to the east of the property. No construction, fill, or vegetation removal will be permitted within these setback areas. Review will occur at submittal of required Special Use Permit applications.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD
the 10th day of October, 2017.

John Murphey Chairperson
Florence Planning Commission

DATE