

Model Findings of Fact – Building for Lease or Rent Review (BLR)

The below findings are examples that may be used when adopting the building for lease or rent (BLR) regulations, as developed by the Community Technical Assistance Program (CTAP). The examples may require modification depending on changes made at the local level and/or the specific review process undertaken to adopt the regulations. These examples may be combined or altered as deemed appropriate by the reviewer and local governing body.

Optional Administrative Findings

Finding: Adoption of the proposed regulations [for the review of buildings for lease or rent] will meet the intent provided under statute because these regulations offer a new process for review of buildings that are created for lease or rent on a single tract of land.

Finding: The proposed regulations provide for an applicant's due process by establishing a review process and timeline requiring notification of completeness, as well as the governing body's decision and justification, that will be administered consistently as it applies to buildings for lease or rent.

Finding: The proposed fee, in the amount of ____, to be imposed [for the review of buildings for lease or rent] is justified because it is commensurate with the amount of time and the level of review necessary to adequately consider a proposed building for lease or rent.

Finding: The proposed regulations [for the review of buildings for lease or rent] will not place an undue burden on property owners seeking to lease or rent certain buildings or portions of buildings on a tract of land because the regulations identify circumstances under which buildings are exempt from the requirements of this new process.

Finding: The proposed regulations [for the review of buildings for lease or rent] will not place an undue burden on property owners seeking to lease or rent certain buildings or portions of buildings on a tract of land because the regulations provide for a new review process that is abbreviated yet considers impacts from the proposed development and allows for adequate mitigation as a result of the potential impact.

Optional Findings Related to Impact

Finding: The proposed regulations protect public health, safety and welfare because existing and proposed water and wastewater facilities are required to be identified in the application materials, and because review by the governing body will ensure that adequate water supply, sewage and solid waste disposal facilities are required.

Finding: The proposed regulations protect public health, safety and welfare because adequate access to and circulation onsite will be considered by the governing body as part of the application review and will be a requirement of approval.

Finding: The proposed regulations protect public health, safety and welfare because adequate emergency medical, fire and law enforcements services will be considered by the governing body as part of the application review and will be a requirement of approval.

Finding: The proposed regulations protect public health, safety and welfare by requiring the governing body assess the potential significant impacts to the environment and human population within the area affected by the proposed development, and allows the governing body to mitigate through conditions or denial to avoid or minimize the impact(s) anticipated.

Finding: The proposed regulations protect public health, safety and welfare because they will require development to comply with applicable floodplain requirements in place at the time of application.

Optional Findings Related to Additional Review Criteria

Note: These examples will require modification to reflect the local governing body's decisions to require additional regulations or alter the number/type of BLR's that require review.

Finding: The additional regulations [provide detail as appropriate; *i.e. requiring a public hearing as part of the review process*] to be imposed by the governing body are reasonable to and necessary to protect the public health, safety and/or general welfare because [provide rationale specific to the additional requirements; *i.e. they will enable the public to participate in the local governing body's review of the proposed development, and ensure those persons immediately affected have an opportunity to provide written and verbal comment on the proposal*].

Finding: Increasing the number of [insert type; *i.e. storage units*] to ___ before requiring review under these regulations will not impact the public health, safety and welfare because the impact of a storage unit is minimal; these units will not be served by water or wastewater facilities, will not create significant amounts of solid waste for disposal, will prompt emergency medical, fire or law enforcement services infrequently, will result in intermittent traffic and will not have a significant impact on the environment or surrounding neighborhood.