

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1089

( IN THE MATTER OF AMENDING THE COASTAL  
( RESOURCES MANAGEMENT PLAN AND THE CITY OF  
( FLORENCE COMPREHENSIVE PLAN TO REMOVE THE  
( ESPECIALLY SUITED FOR WATER DEPENDENT USES  
( (ESWD) DESIGNATION FROM PORTIONS OF  
( MANAGEMENT UNIT 2 AND MANAGEMENT UNIT 4.2;  
( REDESIGNATING A PORTION OF MANAGEMENT UNIT 2  
( FROM MIXED DEVELOPMENT TO RESIDENTIAL (R);  
( REDESIGNATING A PORTION OF THE ESTUARINE  
( MANAGEMENT UNIT ADJACENT TO THIS SITE FROM  
( DEVELOPMENT (D) TO CONSERVATION (C); AND  
( ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

**FILED**

JUN 11 1996

**COUNTY CLERK**

BY Lynn DeWille

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinances 859 and 875, has adopted the policies and provisions of the City of Florence Comprehensive Plan as an element of the Comprehensive plan for Lane County; and

WHEREAS, the Coastal Resources Management Plan (CRMP) was co-adopted by the City of Florence and Lane County, and both jurisdictions coordinate the management of the Siuslaw River Estuary by co-adopting amendments to the CRMP within the urban growth boundary; and

WHEREAS, the West Lane Planning Commission has reviewed this proposal in a joint public hearing with the City of Florence Planning Commission on March 14, continued to April 11, and deliberated separately in a public meeting on May 1, 1996; and

WHEREAS, Lane Code Chapter 16 sets forth procedures and criteria for amendment to a component of the Rural Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has examined evidence within the record and has determined that the proposal meets the requirements of Lane Code Chapter 16 and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted public hearing and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County ordains, as follows:

Section 1. The Coastal Resource Management Plan is amended by removing the Especially Suited for Water Dependent Uses (ESWD) designation from portions of Management Unit 2 and Management Unit 4.2, redesignating a portion of Management Unit 2 from Mixed Development to Residential (R), and redesignating a portion of the estuarine management unit adjacent to this site from Development (D) to Conservation (C); and by adopting the

plan map and text changes to the CRMP (Exhibits "A" and "B", attached) consistent with the above action; and by incorporating the changes proposed by the City of Florence Planning Commission (Exhibit "D", attached).

Section 2. Amending the City of Florence Comprehensive Plan by adopting changes in the text (Exhibit "C", attached) and incorporating the changes proposed by the City of Florence Planning Commission (Exhibit "D", attached) consistent with the above action.

**FURTHER**, although not a part of this Ordinance, the Board of County Commissioners adopts Findings as set forth in the attached Exhibit "E" in support of this action.

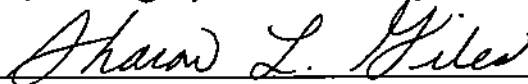
The prior designations repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity to the remaining portions hereof.

Enacted this 5th day of June, 1996.



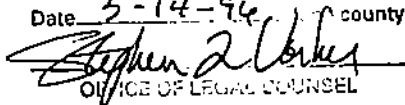
Chair, Lane County Board of County Commissioners



Recording Secretary for this Meeting of the Board

APPROVED 2:50 PM

Date 5-14-96 county

  
OFFICE OF LEGAL COUNSEL

BOOK ~~157~~ PAGE ~~1980~~

Following are text amendments to the Coastal Resource Management Plan. Additions are shown as being underlined. Deletions are shown as ~~struck thru~~.

Page 29-30.

#### Management Unit 2

~~This is the site of the Siuslaw Pacific Marina on the west side of Rhododendron Drive and a solid waste land fill site on the east side of the road. The shoreline has relatively deep water off shore. In addition, the shorelands are relatively flat and no high banks block access to the water. The combination of road access, deep water and favorable terrain lead to the designation of this area for water dependent and water related uses.~~

#### Management Unit 4

~~Some of t~~ The area east of Maple Street ( Unit 4.2) has the characteristics necessary for water-dependent and water-related uses. Located upriver from the Highway 101 bridge, it is far enough upriver to be protected from ocean storms and flooding. The navigation channel is accessible. Streets serve the area. This area is located in downtown Florence but has a small amount of vacant land available for development. The western portion of this Management Unit (Unit 4.1) is already developed in non-water-dependent and non-related uses. Fifty percent of Unit 4.2 will be retained for water-dependent and water-related uses.

#### D) Areas of Recreational Importance:

##### Management Unit 2

~~This area is a marina site and is of recreational importance. It may be developed to support commercial fishing to the exclusion of recreational use.~~

##### Management Unit 4

Fifty percent of Unit 4.2 will be retained for water-dependent and water-related commercial, industrial and recreational uses. ~~The eastern portion of this area has adequate land to support recreational marina facilities. The western portion is developed in a variety of uses and has no available land; a small public park on the shore provides access to a fishing pier.~~

The remaining shorelands within the Florence urbanizable area do not have characteristics which make them suitable for water-dependent or water-related uses.

Management Unit 2 (portions only)

Portions of Management Unit 2 are not suitable for water-dependent or water-related uses, including the northern 40 acre parcel of the County's land (TL 700), TL 800, and all but the southernmost 100 foot strip of TL 900.

Page 31.

## Management Unit 4

The western portion of this Management Unit (4.1) has no available land for water-dependent or water-related uses, although a small park and fishing pier provide access to the estuary. Fifty percent of Unit 4.2 will be retained for water-dependent or water-related uses, with the remainder available for non-water uses.

Page 47 -48.

## (2) Mixed Development

A. Extent: The site of the former existing Siuslaw Pacific Moorage plus the City-owned land to the south along the estuary (TL 1000) and an additional 80 plus acres east of Rhododendron Drive now owned by Lane County. This unit has approximately one-half mile of river frontage.

## B. Rationale:-

- ~~1. Existing water dependent or water related use;~~
- ~~2. Navigation channel close to shore;~~
- ~~3. Rhododendron Drive provides truck access;~~
- ~~4. Available land east of Rhododendron Drive for support facilities and water related facilities;~~
- ~~5. Protected water area adjacent.~~

C. B. Discussion: The following subunits and uses have been designated by the City of Florence:

Unit 2.1 and Unit 2.2 - This area includes the area west of Rhododendron Drive of the SW ¼ of the NW ¼ of T18 R21W S22 and the SW ¼ of T18 R12W S22. Tls 800, 900 and 1000, Map 18-12-22 Index and the two northernmost 40 acre parcels of County-owned land of TL 700. This area is Tls 800 and 900 are now in private ownership. TL 1000 is owned by the City. Tls 800 and 900 are designated for residential development except for a 100 foot wide strip along the southern property line of TL 900, which is

designated for ESWD uses to afford access to the 40 acre site that currently contains the solid waste collection center and is also designated for ESWD uses. TL 1000 is also designated for ESWD purposes. The northernmost 40 acre parcel of County-owned land (TL700) is designated for non-water-dependent and non-water-related industrial uses. The area is partially developed with moorage facilities, a boat ramp and lift. Future plans for the Siuslaw-Pacific Moorage are to provide facilities for commercial fishing boats and fish processors. This area is planned for primarily water-dependent uses. The southern portion of this unit (TL 1000) has extensive rip-rap to protect Rhododendron Drive from erosion.

~~This area included the two 1/16<sup>th</sup> Sections (SE 1/4 of the NW 1/4 and the NE 1/4 of T18-R12W S22) which are in public ownership. The only development within this area is a small, relatively undeveloped recreational vehicle park. The County-owned land (TL700) lies to the east of Rhododendron Drive. The area includes open sand areas, conditionally stable sand areas, hummocks and a natural drainageway at the north. This area should be retained for water-dependent or water-related uses. Adequate dune stabilization measures should be taken before further development occurs. Buffering should be required for uses which are not compatible with adjoining residential areas. Setbacks should also be required for the drainageway. Height limitations will be imposed in the airport clear and transitional zones. It is suggested that the Port of Siuslaw consider seeking an arrangement with the County for the use of this land.~~

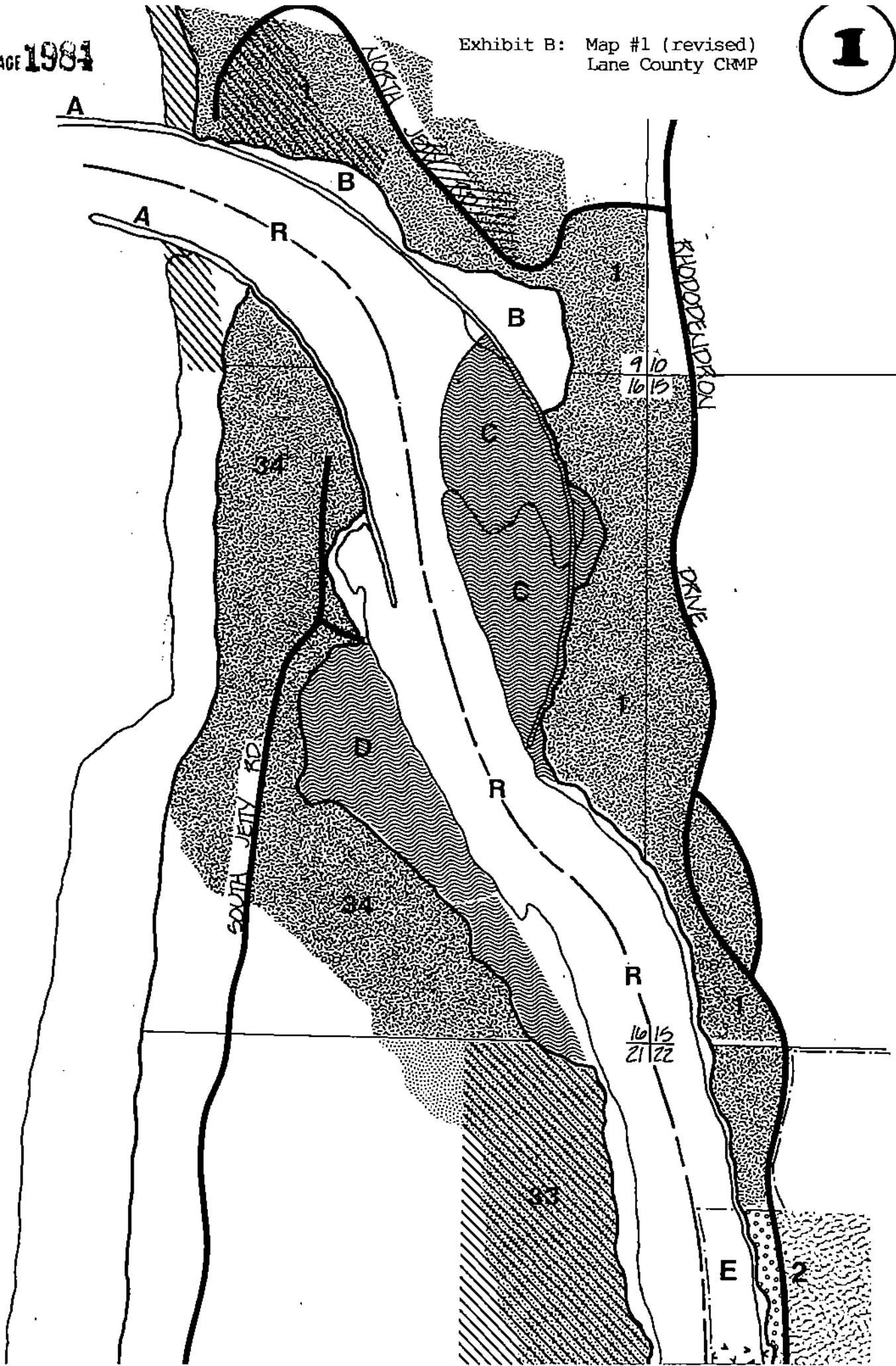
Page 50-51.

Unit 4.2 (Port of Siuslaw) - this area extends from Maple Street to dredge spoils site 19. The northern boundary follows Bay Street to Nopal Street; then north on Nopal to First Street; then east along First Street to Harbor Street, where it intersects with the Port of Siuslaw property. This area will probably continue to be the primary commercial and industrial marine-related center on the bay. Fifty percent of this area is protected for water-dependent or water-related uses.

Access, terrain, proximity to deep water, compatibility with existing uses and ownership patterns would support this reasoning. About one-third of this unit is already developed into water-dependent and water-related uses. It is important to the future economy of the Florence area that an adequate portion of this area be reserved for high-intensity recreation, commercial and industrial water-dependent or water-related uses. Water-related uses and other non-water-dependent or non-water-related uses should be reviewed carefully by the Planning Commission to insure that this portion of the shoreland is protected for future need for water-dependent uses.

Due to the proximity of the Management Unit to the North Fork shoals, the main turning basin and the lack of suitable dredged sites near those shoals, a dredged material disposal "stockpile" site has been designated in this unit. The location of that site is critical.

Improvements to the jetty which would allow more year-around, all weather bar crossings is expected to increase the demand for marine-related uses and the needs of the fishing industry. This area has the highest potential for meeting those needs. Appropriate water-dependent or water-related uses in this unit would include: fish receiving stations and processing facilities, marinas/moorages, boat repair and servicing, cold storage, possible aquaculture release/recapture facility at Munsel Creek. Because of the limited size of the area, the use of this space must be utilized prudently.



Following are text amendments to the City of Florence Comprehensive Plan. Additions are shown as being underlined. Deletions are shown as ~~strikethru~~.

**City of Florence Comprehensive Plan; Part I, recommendations and the Plan Diagrams**

*Page 19 (Land Use - Commercial, Recommendations)*

10. Waterfront commercial development within Old Town should be architecturally compatible with existing waterfront buildings and structures in terms of scale, massing, building materials, and signage, and should maintain reasonable views of the Siuslaw River by the general public through grouping of buildings, reasonable height limitations, and pedestrian access.

*Page 19 (Land Use - Industrial, Recommendations)*

Development of the County-owned 40 acre site north of the transfer station property (also owned by the County) shall be sensitive to the adjoining residential land uses to the north and to the west and shall observe any height limitations imposed in the airport clear and transitional zones. Access to this property shall be from the east, resulting from the extension of the City's planned Kingwood Street Industrial Park. Undisturbed buffers of 100 feet shall lie between proposed industrial uses and those adjoining residential developments (beginning at the property line). Although zoned Limited Industrial, use of the City's planned unit development (PUD) ordinance should be encouraged to promote a high quality, coordinated development of these uplands promoting extremely significant estuary, dune and ocean views. Reductions in buffers up to 50% may be considered for research and development or office uses which address compatibility issues through high quality architecture, significant landscaping and screening, protection and use of existing vegetation or dunal formations, and compatible building massing.

*Page 55*

Three areas meet those criteria, and should be reserved for marine use; fifty percent (50%) of the area that houses the Port of Siuslaw Holiday Marina (CRMP Management Unit 4.2), the City-owned shoreland and adjacent County-owned 40 acre parcel which now houses the solid waste collection station located along Rhododendron Drive (portions of CRMP Management Unit 2.1 and 2.2) ~~the Siuslaw Pacific Moorage and the surrounding area,~~ and the north jetty area (CRMP Management Unit 1).

**City of Florence Comprehensive Plan; Part II, Technical Report and Findings**

*Page 25*

The following is a list of public and private boat launching sites on the north shore of the Siuslaw River:

~~———— Siuslaw Pacific Moorage, River Mile 2.4~~

*Page 30*

(Second Paragraph). The ~~Siuslaw Pacific Marina~~ and Port of Siuslaw Holiday marina provides boating and fishing opportunities for visitors.

*Page 36*

Marine: The available land at the Port of Siuslaw ~~and the Siuslaw Pacific Moorage~~ (Management Unit 4.2) is approximately ~~9.4~~ 19 acres, ~~of which 50% (8.5 acres) will be retained for marine (ESWD) uses.~~ About one-half of that total area (4.25 acres) is currently undeveloped. ~~An additional 80 acres of land adjacent to Siuslaw Pacific Moorage been reserved for marine use.~~ A 40 acre parcel of County-owned land (the solid waste transfer station) and the adjacent 5.5 acres of City-owned land along Rhododendron Drive has also been reserved for marine (ESWD) uses. Additional land ~~designated~~ marine designation adjacent to the Port has been reserved for dredge spoils stockpiling. Approximately ~~80~~ 95.7 acres adjacent to the north jetty has been designated marine; this area is very limited in its development capability due to potential of ocean flooding and natural values of the area. Total marine area is ~~183~~ 139.7 gross acres.

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<u>Land Use</u>	<u>Existing Acres</u>	<u>Currently Developed</u>	<u>Projected Need</u>	<u>Total Acres</u>
<u>Marine</u>	<u>21</u>		<u>178</u>	<u>199</u>
<u>Marine</u>	<u>4.25 acres</u>		<u>145.45 acres</u>	<u>149.7 acres</u>

*Pages 50-51*

Scenic Areas: ...These include

*Page 51*

Recreation Trails: ...then south on ~~Coast Guard Road (Rhododendron Drive) to the Siuslaw Pacific Marina, to continue~~ past the City-owned shorelands ~~along Rhododendron Drive and continuing~~ south on Rhododendron Drive to Highway 101 and across the bridge.

*Page 53-C*

Note: Remove CRMP Management Unit Map and replace with updated/amended map.

*Page 53-D*

<u>Class/Code</u>	<u>Zone</u>	<u>Area in acres</u>
M	Marine district	<u>149.7—190.7</u>
RS	Single Family Res.	<u>134.2—128.2</u>
WF	Waterfront Dist.	<u>21.3—12.8</u>

*Page 72*

Amend Comprehensive Plan Map

**Waterfront/Marine Transitional Area:**

The 19-acre area located on the southeastern edge of Old Town, primarily in Port of Siuslaw ownership, is suitable for water-dependent and water-related uses, and for other appropriate commercial uses which benefit from orientation toward the Siuslaw River estuary. In order to protect this area's commercial, industrial, and recreational uses which depend on the Siuslaw River for access or natural resources, the following criteria shall be used to guide future land use actions:

- Non-water dependent or water related uses shall occupy no more than 50% of the transitional 19-acre area;
- Uses shall be established through the appropriate implementing zoning districts, specifically, the City's Waterfront/Marine Overlay District;
- Establishment of non-water-dependent or water-related uses shall not preclude the use of adjoining lands for especially-suited water dependent uses, and may include provisions such as landscaping and screening, increased setbacks, and building orientation implemented through the City's Design Review process to ensure such objectives are met;
- Especially-suited water dependent uses should be sited with readily available river access, and may contain areas for outdoor storage, processing, or assembly.
- Where stable residential neighborhoods of 1st Street, 2nd Street, Nople Street, or Oak Street abut this 19-acre area, non-residential activities and uses are acceptable, but, they shall observe neighborhood qualities through landscaping or screening of abutting parking lots and outdoor or open-air uses, orient noxious or noisy activities toward the river, and screen or direct outdoor lighting away from such residential areas;
- Public access shall be promoted within this area, with suitable resting points, sidewalks, parking areas, view points, lighting, and handicap facilities to permit travelers the opportunity to view the City's historic waterfront activities. Efforts by the City, the Port, and private enterprise are encouraged.

**MEMORAND**

**TO:** West Lane Planning Commission

**FROM:** John Theilacker, Community Development Director  
City of Florence

**RE:** Florence Planning Commission Action

**DATE:** May 1, 1996

On April 23, 1996, the Florence Planning Commission recommended to their City Council the ESWD actions as presented in Larry Ward's March 5, 1996 staff report. They modified the suggested findings of fact to add the April 22, 1996 meeting of the Citizen's Advisory Committee, and made the following minor wording changes to two areas of Mr. Ward's draft text:

1. Under Exhibit A, Text Amendments to the Lane County Coastal Resource Management Plan, page 53, Discussion, paragraph 2, replace "should" with "shall" in all cases;
2. Under Exhibit B, City of Florence Comprehensive Plan, Part 1, Recommendations and Plan Diagrams, page 19, #10., replace "should" with "shall".

The Planning Commission's decision to recommend the actions to their Council, with the above-listed changes, was unanimous.

## EXHIBIT E: FINDINGS OF FACT

1. This proposal is made to the Board of County Commissioners by the West Lane Planning Commission as a result of a request by the City of Florence as part of periodic review.
2. The March 5, 1996 Staff Report for Joint Planning Commission Hearings prepared by Larry Ward, Project Manager, Lane Council of Governments is incorporated herein by this reference and adopted by the Board. This memo provides background information for the proposal and describes the specific sites and justification for the proposed amendments in terms of criteria for approval and goal compliance. In addition the testimony of Larry Ward, Lane Council of Governments, and John Theilacker, City of Florence Community Development Director before West Lane and City of Florence Planning Commissions is adopted as facts relevant to this decision.
3. Sites B, C and G are wholly within the Florence City Limits, and are designated ESWD. Site G is also designated Marine; Sites B and C are currently designed Mixed-development.
4. Because the City has adopted portions of the Lane County Coastal Resource Management Plan (CRMP) and in an effort to coordinate management of the Siuslaw River Estuary, the City and County must adopt these plan amendments pertaining to the CRMP.
5. Because the County has adopted the City of Florence Comprehensive Plan (ref. Ordinance # 859 and # 875) and the City of Florence has requested action by the Board of County Commissioners, the County should also adopt the text changes to the City of Florence Comprehensive Plan described in this Ordinance.
6. There are 190.7 acres in the current acknowledged Urban ESWD Inventory. Sites C, G and 50% of B total 56 acres, leaving 134.7 acres remaining in the ESWD inventory. The analysis in the March 5, 1996 Staff Report for Joint Planning Commission Hearings, adopted by the Board, states that there is a surplus of ESWD-designated land in the Siuslaw River Estuary inventory, and that based on projections and findings of this study, removal of these sites will not create a deficit of ESWD sites within the 20 year planning period. The Board adopts those findings and conclusions in support of this action.
7. The relevant criteria for adoption of this amendment to the CRMP is set forth in LC 16.400(6)(h)(iii).

First, the amendment must meet all applicable requirements of local and state planning law. Goal compliance for land designated ESWD is set out in Goal 17, and includes the following factors indicating special suitability for water dependent uses:

- a. deep water close to shore with supporting land transport facilities suitable for ship and barge facilities;

- b. potential for aquaculture;
- c. protected areas subject to scour which would require little dredging for use as marinas; and
- d. potential for recreational utilization of coastal water or riparian resources.

Attachment 2 (March 5, 1996 Staff Report) provides an analysis of each site in terms of the above factors; based on this analysis, which the Board adopts, the removal of the ESWD designation for Sites B, C and G is justified.

In addition, the proposed amendment must further be:  
(only relevant criteria cited here)

(ii-ii): necessary to fulfill an identified public or community need for the intended result of the component or amendment; and

(v-v): otherwise deemed by the Board, by reasons briefly set forth in its decision, be desirable, appropriate or proper.

8. The above criteria are addressed in the analysis of the proposed amendment described in the March 5, 1996 Staff Report, which is adopted by the Board as its findings in this decision. Based on this analysis, the Board finds that adoption of this Ordinance is necessary to fulfill an identified public or community need, and is deemed by the Board desirable, appropriate and proper.
9. The West Lane Planning Commission reviewed this proposal in a joint public hearing with the City of Florence Planning Commission on March 14, continued to April 11. This meeting was continued to April 23, 1996 for the Florence Planning Commission and to May 1, 1996 for WLPC, with public testimony closed.
10. Two letters were received, representing five property owners immediately adjacent to site C; these letters addressed only the implications of development on this site, not the issue of lifting the ESWD designation. The City of Florence also received a petition signed by 101 individuals opposed to the proposed zoning and suggesting that a park be developed on this site.
11. At its public meeting on April 23, 1996, the City of Florence Planning Commission recommended that the Florence City Council approve this proposal with the following changes to the March 5, 1996 Staff Report:

Exhibit A: Coastal Resources Management Plan, page 52, B. Discussion, paragraph 2: replace "should" with "shall" in all cases;

Exhibit B, City of Florence Comprehensive Plan; Part I, Recommendations, and the Plan Diagrams, Pages 19, #10: replace "should" with "shall".

12. At its public meeting on May 1, 1996, two of the three WLPC members present voted in favor of the proposal with the minor amendments as stated in Finding # 6, above. Per WLPC bylaws section III(4)(b), "The act of a majority of the members (3) shall be the act of the Commission." WLPC therefore did not officially take action on this item.
13. This amendment was initially considered as a legislative change by the City of Florence, although individuals within 300' feet of the affected properties received notice. This amendment has subsequently been determined to be a quasi-judicial matter; individual property owners were provided notice of the second reading and public hearing before the Board, scheduled for June 5, 1996.
14. By the adoption of this amendment, Site G is redesignated Residential. Land immediately to the north of this site is designated Residential. There is no appreciable difference between these properties and Site G, except that at the time the CRMP was written, Site G was an existing Marina. This marina was destroyed by wind and high waves in 1981; no ESWD uses have been able to successfully use the site since that time.
15. Because the Site G will no longer be an ESWD site, except for a 100' strip to the south, the estuarine management unit adjacent to the redesignated portion of Site G will be redesignated from Development (D) to Conservation (C), except for the 100' strip to the south. This change creates no inconsistency with the remainder of the CRMP and does not affect compliance with Goal 16.
16. The 100' strip to the south of Site G will allow access to the County-owned site remaining in ESWD designation to the east.
17. 50% of Site B will remain designated ESWD. This is a floating designation, and will depend on which areas within this site are appropriate for development. At any one time, 50% of the site will remain undeveloped or developed only for those uses allowed within the ESWD designation.
18. Some of the issues in this proposal were considered by DLCD when it was initially proposed by the City of Florence two years ago. Comments by the DLCD reviewers resulted in changes to the proposal such as considering the needs and opportunities of the entire estuarine inventory, and ensuring cooperation and coordination among the Port Authority, the City of Florence and Lane County.
19. This proposal, in its current form, was submitted to DLCD as required for review of proposed amendments to the Rural Comprehensive Plan; no changes or comments were received.

### Decision

The Board finds that the proposal complies with applicable criteria contained in LC 16.400(6)(h)(iii) which addresses an amendment to a component of the Rural Comprehensive Plan.

The Board finds that this proposal complies with applicable Oregon Statewide Planning Goals and Guidelines, particularly Goal 17, which addresses factors indicating special suitability for water dependent uses. Compliance with Goal 17 is discussed in the March 5, 1996 Staff Report, adopted by the Board.

The Board finds that this amendment is necessary to fulfill an identified public or community need for the intended result of the component or amendment, and is desirable, appropriate or proper for the reasons briefly set forth in its decision.