

**CITY OF FLORENCE PLANNING COMMISSION  
FEBRUARY 10, 2004 ♦♦ MINUTES**

**1. CALL TO ORDER, ROLL CALL; PLEDGE OF ALLEGIANCE; AND APPROVAL OF AGENDA**

Chairman Paul opened the meeting at 7:03 pm. Roll call: Commissioners Franzen, Teal, Lysdale, Nieberlien, Paul and Vaughan present. Also present: Community Development Director McCorkle, Assistant Planner Farley and Planning Technician Ambrosio. The agenda was amended to move item 2: Election of Officers to item 10. Chairman Paul led the pledge of allegiance.

**2. CONSIDER APPROVAL OF MINUTES**

The minutes of January 13, 2004 were approved as submitted. An amendment to the minutes of October 14, 2003 was approved as submitted.

**3. PUBLIC COMMENTS:** *This is an opportunity for members of the audience to bring to the Planning Commission's attention any item 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.*

**Ted Miller, 20 Mariners Lane, Florence, OR**

Mr Miller discussed the drainage from the Sandpines property and how it will effect those in Mariners Village. CDD McCorkle explained that the plan Mr Miller referred to was approved in 1991 or 1992 and has not been changed. The area he discussed will most likely not be developed by Sandpines for 10 years or so and will be required to go through design review at that time. PW Director Lanfear is drafting a stormwater improvement district for the whole area which will include Mariners Village.

**Arnold Buchman, 27 Shoreline Drive, Florence, OR**

Mr Buchman referred to Mr Miller and CDD McCorkle's comments regarding the stormwater issue.

***PUBLIC HEARING ITEMS: Chairman Paul: "This evening we have two hearings, which are public hearings. These proceedings will be recorded on tape. These hearings will be held in accordance with the land use procedures required by the City Plan and Ordinances and the State of Oregon. For each hearing tonight, the applicable substantive criteria will be read and are 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. 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, would preclude an appeal based on that issue."***

**4. RESOLUTION 04-02-10-05** A REQUEST FOR APPROVAL TO AMEND THE FLORENCE COMPREHENSIVE PLAN CHAPTER 16, ESTUARINE RESOURCES AND THE LANE COUNTY RURAL COMPREHENSIVE PLAN - COASTAL RESOURCES MANAGEMENT PLAN, CHAPTERS II & III TO REVISE THE DESIGNATION OF ESTUARINE MANAGEMENT UNIT C FROM "NATURAL" TO "CONSERVATION" AND THE DESIGNATION OF ESTUARINE SHORELAND MANAGEMENT UNIT 1 FROM "NATURAL RESOURCE CONSERVATION" TO "RESIDENTIAL DEVELOPMENT" AS APPLIED FOR BY THE CITY OF FLORENCE.

Chairman Paul cited the applicable criteria, asked for Commissioners to declare possible conflict of interest, exparte contact and/or site visit, and opened the hearing at 7:17 pm. All Commissioners

declared site visits.

CDD McCorkle explained that the City's Comprehensive Plan refers to the Lane County Rural Comprehensive Plan. By approving this request, the City can amend it's plan and recommend Lane County adopt the changes and amend their plan. This will allow the two plans to be uniform.

CDD McCorkle asked the Planning Commission to keep the hearing open to written comments from affected government agencies until 5 pm on March 4, 2004.

Kate Bodane, UofO RARE student explained that the Florence Comprehensive Plan's chapter 16: Coastal Resources Management Plan is identified as the definitive document for action related to state goal 16: Estuarine Resources. The Coastal Resources Management Plan meets state goals 16 and 17 requirements by providing an inventory of the county's Estuarine Resources and Coastal Shorelands and by designating permitted uses for individual estuarine and shoreland management units.

The management units addressed in the proposed amendment includes Estuarine Management Unit C which is adjacent to the Shelter Cove subdivision and Shoreland Management Unit 1 which extends from North Jetty Road to the Sea Watch subdivision.

The Coastal Resources Management plan amendments seek to change the designations for Management Units 1 and C to more accurately reflect the current conditions.

Estuarine Management Unit C is designated as Natural in the plan. The amendment proposes to change the classification to Conservation. Shoreland Management Unit 1 is designated as Natural Resource Conservation. The amendment proposes to change the classification to residential development.

Ms Bodane referred to a study by Ellis Ecological Services, Incorporated titled *An Evaluation of Effects of Severe Bank Erosion on the Benthic Macroinvertebrate Community and General Habitat Conditions near Shelter Cove Siuslaw River Estuary, Oregon*. She also referred to a study by Wilbur Ternyik titled *Shelter Cove Subdivision - Historical Erosion Report, Lower Siuslaw Estuary, Florence, Oregon*. Both studies conclude that the erosion of the sand bluffs are a primary cause of deterioration of viable habitat. A change in designation of the management units would change the applicable overlay zoning and thereby allow nearby property owners to pursue stabilization of the bank not currently permitted by the management unit designations.

She reiterated CDD McCorkles request to allow the hearing to remain open to written input from affected state agencies until 5 pm on March 4, 2004.

Chairman Paul thanked staff for the presentation and then requested comments neutral to, in favor of and opposed to the application.

**Wilbur Ternyik, 921 Rhododendron Drive, Florence, OR**

Mr Ternyik noted he represented Jim Hurst at the meeting and gave a history of the river erosion. He stated he felt the city will be eligible to apply for funds from the Army Corps of Engineers because the erosion issue was caused by actions the Corps took years ago.

Commissioner Franzen thanked Mr Ternyik for his dedication to this issue.

**Bob Freeman, 19 Sea Watch Place, Florence, OR**

Mr Freeman stated that not only is erosion an issue but the ability to navigate the river is also an issue.

Chairman Paul closed the oral testimony at 7:40 pm.

Chairman Paul requested Commissioners' discussion. There was none.

Commissioner Franzen moved to continue the hearing for Resolution 04-02-10-05 to March 30, 2004, keeping open only written testimony from affected government agencies until 5 pm on March 4, 2004. Second by Commissioner Vaughan. By roll call vote: Commissioner Franzen "yes"; Commissioner Teal "yes"; Commissioner Lysdale "yes"; Commissioner Nieberlien "yes"; Commission Vaughan "yes" and Chairman Paul "yes". Motion passed.

**5. RESOLUTION 04-02-10-06** A REQUEST FOR APPROVAL TO AMEND THE LANE COUNTY SIUSLAW RIVER DREDGED MATERIAL DISPOSAL PLAN TO ELIMINATE DISPOSAL SITES #14, \$15, AND #16 FROM THE PLAN AS USABLE SITES AS APPLIED FOR BY THE CITY OF FLORENCE.

Chairman Paul cited the applicable criteria, and opened the hearing at 7:43 pm.

Kate Bodane, UofO RARE student explained that the proposal seeks to amend the Lane County Siuslaw River Dredged Material Disposal plan. It would delete sites 14, 15, and 16 as usable dredged material disposal sites. Site 14 is west of the city's wastewater treatment plant, site 15 is in front of the treatment plant and 16 is in front of the Bay Bridge Condominiums. Homeowners in those areas contacted the city and requested the permitted use for those sites be reviewed. The Port of Siuslaw objects to removal of site 14.

Ms Bodane requested the hearing be kept open for written comment from affected state agencies until 5pm on March 4, 2004. If these amendments are approved by the Planning Commission, the city will then recommend that Lane County also remove them from their plan.

Chairman Paul asked for Commissioners to declare possible conflict of interest, exparte contact and/or site visit. All Commissioners declared none.

Chairman Paul requested comments neutral to, in favor of and opposed to the application.

**Wilbur Ternyik, 921 Rhododendron Drive, Florence, OR**

Mr Ternyik spoke of his history with the Port Commission. It is his belief that the sites are full and will not be used in the future and therefore do not need to be on the plan.

Chairman Paul closed the oral testimony at 7:52 pm.

CDD McCorkle reiterated that site 15 is located at the wastewater treatment plan. It is full and has been built upon. Site 16, which is also full, is west of and includes land where the Bay Bridge Condominiums are located. Site 14 is west of the treatment plant is not full.

Commissioner Lysdale asked if site 14 is exposed at high tide.

**Tom Kartrude, Port of Siuslaw**

Mr Kartrude stated that site 14 has not changed much since the study was drafted in 1978. The land in site 14 is zoned residential. His belief is that the site was designed to be filled and then be converted to another use.

Commissioner Franzen verified that there are a number of nonbuildable lots because the area has washed out or not been filled in. Mr Kartrude agreed. Commissioner Franzen asked if a berm could be built, the area filled and vegetated and if the lots would become buildable. Mr Kartrude stated that might have been the intention, but whether the lots would be buildable is in question.

Commissioner Franzen stated that without placing a berm to keep the spoils contained, the site would be pointless. Mr Kartrude agreed that it would be subject to erosion. Commissioner Franzen asked how likely it was that someone would build a dike to hold the spoils and dredge the river. Mr Kartrude stated that the Port of Siuslaw owns the majority of the lots for the purpose of dredging.

Mr Kartrude explained that the technology available and cost effectiveness calls for dredging in the area to be performed by sucking dredging and hopper disposal off shore. Should material be discovered that does not meet the criteria for off shore disposal, a site like site 14 could be viable.

Commissioner Lysdale asked if the river has any potential hazardous areas. Mr Kartrude stated that users are complaining of a few small areas. Those sites could be dredged and the spoils stored in site 14.

Commissioner Franzen moved to continue the hearing for Resolution 04-02-10-06 to March 30, 2004, keeping open only written testimony of affected government agencies until 5 pm on March 4, 2004. Second by Commissioner Vaughan. By roll call vote: Commissioner Franzen "yes"; Commissioner Teal "yes"; Commissioner Lysdale "yes"; Commissioner Nieberlien "yes"; Commission Vaughan "yes" and Chairman Paul "yes". Motion passed.

**DISCUSSION ITEMS**

**6. DESIGN REVIEW DR 04-M1 A REQUEST FOR APPROVAL OF A MURAL DESIGN PERMIT TO PAINT A MURAL ON THE EAST SIDE OF BUILDING "C" LOCATED AT FLORENCE MINI STORAGE, 4099 HIGHWAY 101 AS APPLIED FOR BY KEN VAN DEVENDER.**

AP Farley announced the Mural Committee's recommendation for approval of the mural proposed for Florence Mini Storage, with revisions.

Commissioner Nieberlien moved to approve Design Review DR 04-M1 a request for approval of a Mural Design Permit to paint a mural on the east side of building "C" located at Florence Mini Storage, 4099 Highway 101 as applied for by Ken Van Devender. Second by Commissioner Lysdale. By roll call vote: Commissioner Franzen "yes"; Commissioner Teal "yes"; Commissioner Lysdale "yes"; Commissioner Nieberlien "yes"; Commission Vaughan "yes" and Chairman Paul "yes". Motion passed.

**7. RESOLUTION 04-02-10-08** A REQUEST FOR CLARIFICATION OF RESOLUTION 03-12-30-41: IN THE MATTER OF APPROVAL OF A MODIFICATION TO THE SANDPINES PLANNED UNIT DEVELOPMENT, A TOTAL OF 242 ACRES, LOCATED NORTH OF 35<sup>TH</sup> STREET, WEST OF OAK STREET, EAST OF RHODODENDRON DRIVE, MAP REFERENCE 18-12-15, TAX LOTS 400-1000, 1400 & 1500, AND 18-12-15-33, TAX LOTS 100 & 700, AND 18-12-22-21, TAX LOT 1900 AND 18-12-22 BLOCKS 8, 10-13, 3000-5300, AND 10900-15100 AS APPLIED FOR BY MYHRE GROUP ARCHITECTS FOR ARIKI-OREGON, LTD.

CDD McCorkle explained that neighboring property owners had concerns about the wording in the original resolution. Myhre group agreed to clarifying the resolution. This clarification will become part of the original resolution.

Commissioner Franzen moved to Resolution 04-02-10-08 a request for clarification of Resolution 03-12-30-41: in the matter of approval of a modification to the Sandpines planned unit development, a total of 242 acres, located north of 35<sup>th</sup> Street, west of Oak Street, east of Rhododendron Drive, Map Reference 18-12-15, Tax Lots 400-1000, 1400 & 1500, and 18-12-15-33, Tax Lots 100 & 700, and 18-12-22-21, Tax Lot 1900 and 18-12-22 Blocks 8, 10-13, 3000-5300, and 10900-15100 as applied for by Myhre Group Architects for Ariki-Oregon, Ltd. Second by Commissioner Nieberlien. By roll call vote: Commissioner Franzen "yes"; Commissioner Teal "yes"; Commissioner Lysdale "yes"; Commissioner Nieberlien "yes"; Commission Vaughan "yes" and Chairman Paul "yes". Motion passed.

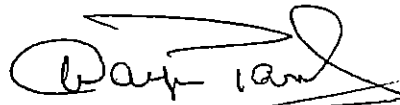
#### **OTHER BUSINESS**

CDD McCorkle addressed a letter received from Robin Sullivan regarding soil stabilization. He notified the commissioners that the issue will be listed as an item on the next agenda. Mr Sullivan seeks approval from the Planning Commission to recommend the City Council change the code.

Commissioner Nieberlien asked if any commissioners were going to attend the Leadership Florence class. CDD McCorkle asked the commissioners to notify the City Recorder.

#### **ADJOURNMENT**

The meeting was adjourned.



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**WAYNE PAUL, CHAIRMAN  
FLORENCE PLANNING COMMISSION**

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AGENDA ITEM #4

APRIL 13, 2004

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RESOLUTION 04-02-10-05 A REQUEST FOR APPROVAL TO AMEND THE FLORENCE COMPREHENSIVE PLAN CHAPTER 16, ESTUARINE RESOURCES AND THE LANE COUNTY RURAL COMPREHENSIVE PLAN - COASTAL RESOURCES MANAGEMENT PLAN, CHAPTERS II & III TO REVISE THE DESIGNATION OF ESTUARINE MANAGEMENT UNIT C FROM "NATURAL" TO "CONSERVATION" AND THE DESIGNATION OF ESTUARINE SHORELAND MANAGEMENT UNIT 1 FROM "NATURAL RESOURCE CONSERVATION" TO "RESIDENTIAL DEVELOPMENT" AS APPLIED FOR BY THE CITY OF FLORENCE.

**EXHIBITS:**

Exhibit A, Finding of Fact

Exhibit B, Management Unit Legend *Teenyik Letter*

Exhibit C, Port of Siuslaw Supplemental Testimony *State Letter*

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION 04-02-10-05**

**IN THE MATTER OF A PROPOSED AMENDMENT TO THE LANE COUNTY  
RURAL COMPREHENSIVE PLAN - COASTAL RESOURCES MANAGEMENT  
PLAN, CHAPTERS II AND III AND THE CITY OF FLORENCE 2000/2020  
COMPREHENSIVE PLAN CHAPTER 16**

**WHEREAS**, application was made by the City of Florence to amend shoreland and estuarine management unit designations in the Lane County Rural Comprehensive Plan- Coastal Resources Management Plan and;

**WHEREAS**, the Florence Comprehensive Plan states the intention of the City to make this amendment as part of periodic review and;

**WHEREAS**, the Planning Commission met in public hearing on February 10 and continued to April 13, 2004 to consider the proposal, evidence in the record and testimony received and;

**WHEREAS**, the criteria for Comprehensive Plan amendments are: conformance with Statewide Land Use Goals and Guidelines and consistency with the existing acknowledged Comprehensive Plan and;

**WHEREAS**, the criteria for an amendment to the Lane County Rural Comprehensive Plan- Coastal Resources Management Plan is consistency with that Plan's priorities, now therefore,

**BE IT RESOLVED** that the Planning Commission of the City of Florence recommends that the Lane County Rural Comprehensive Plan- Coastal Resources Management Plan be amended to change the designation of that portion of Shoreland Management Unit 1 within Florence city limits from "Natural Resource Conservation" to "Residential Development" and to change the designation of that portion of Estuarine Management Unit C, known as sub-area C-1, that is between the inner north jetty and the shoreland from "Natural" to "Conservation" and,

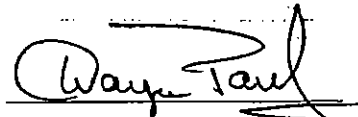
**BE IT FURTHER RESOLVED** that the Planning Commission recommends that language in the Florence Comprehensive Plan anticipating a change to management unit designations be eliminated at such time as the amendment to the Lane County Rural Comprehensive Plan- Coastal Resources Management Plan is adopted.

The revised Findings of Fact attached as Exhibit "A", together with:

- Letter dated August 21, 2002 from ODFW Shellfish Project Leader to DLCD
- "An Evaluation of Effects of Severe Bank Erosion On The Benthic Macroinvertebrate Community and General Habitat Conditions Near Shelter Cove Siuslaw River Estuary, Oregon," prepared by Robert H. Ellis, PhD. of Ellis Ecological Services, Inc.
- "Shelter Cove Subdivision- Historic Erosion Report, Lower Siuslaw Estuary Florence, Oregon" prepared by Wetland, Beaches, and Dunes consultant Wilbur E. Ternyik

are hereby incorporated by reference in support of this decision.

**RESOLUTION 04-02-10-05 IS APPROVED BY THE FLORENCE PLANNING COMMISSION THIS 13TH DAY OF APRIL, 2004.**



**Wayne Paul, Chairman  
FLORENCE PLANNING COMMISSION**



*EXHIBIT "A"*  
*FINDINGS OF FACT*  
*ADDENDUM FOR APRIL 13, 2004*  
*(Resolution 04-02-10-05)*

**I. Proposal Description**

1. **Proposal:** Amendments to the City of Florence Comprehensive Plan 2000/2020 Chapter 16- Estuarine Resources and the Lane County Rural Comprehensive Plan- Coastal Resources Management Plan adopted June 1980, Chapters II & III. Amending to revise the designation of estuarine management unit C from "Natural" to "Conservation" and the designation of estuarine shoreland management unit 1 from "Natural Resource Conservation" to "Residential Development".

The hearing was opened on February 10<sup>th</sup> and continued until March 10<sup>th</sup> in order to keep the written record open to affected public agencies until March 3<sup>rd</sup>. NOAA subsequently requested a thirty day extension of the comment period which the Planning Commission granted by setting a deadline of April 3<sup>rd</sup> for written comments. The hearing was continued until April 13<sup>th</sup>.

Written comments from NOAA were not received in the specified comment period. Changes in staff's findings of fact do, however, reflect points made by NOAA staff in conversation with City staff. Specifically, confusion between references to sub-area C1 and the much larger estuary management unit C has been clarified herein; staff recommendations have been modified accordingly.

2. **Applicant:** City of Florence
3. **Location:** See attached map #1 from the Coastal Resources Management Plan.
4. **Surrounding Land Use/Zoning/Overlay Zoning:**  
Site: Single Family Residences /Single Family Residential/ Natural Estuary District and Natural Resources Conservation Combining District  
North: County- Single Family Residences  
South: Single Family Residences/Single Family Residential/Development Estuary District and Shorelands Mixed Development District  
East: Single Family Residences/Single Family Residential and Mobile Home Residential  
West: County- Siuslaw River/Public Lands/Natural Estuary and Natural Resource Conservation Shoreland
5. **Referral/Correspondence:** Notice was mailed to DLCDC on December 15, 2003; notice mailed to residents within 300ft. on January 21, 2004. Notice was published in the Siuslaw News on January 21st, 31st, and February 4th.

**6. Applicable Documents:**

Comprehensive Plan for the City of Florence, Chapter 16- Estuarine Resources  
Lane County Rural Comprehensive Plan- Coastal Resources Management Plan, sections  
from Chapter II and III pertaining to management units 'C' and '1'

Letter dated August 21, 2002 from ODFW Shellfish Project Leader to DLC

"An Evaluation of Effects of Severe Bank Erosion On The Benthic Macroinvertebrate  
Community and General Habitat Conditions Near Shelter Cove Siuslaw River Estuary,  
Oregon," prepared by Robert H. Ellis, PhD. of Ellis Ecological Services, Inc.

"Shelter Cove Subdivision- Historic Erosion Report, Lower Siuslaw Estuary Florence,  
Oregon" prepared by Wetland, Beaches, and Dunes, consultant Wilbur E. Ternyik

## II. Narrative

Statewide land use goals 16- Estuarine Resources, and 17- Coastal Shorelands, direct communities to identify and classify estuaries and coastal shorelands to specify the most intensive level of development or alteration which may be allowed within an individual management unit. The City of Florence Comprehensive Plan 2000/2020, Chapter 16, establishes the Lane County Rural Comprehensive Plan- Coastal Resources Management Plan (CRMP) and its amendments as "the definitive document for actions related to Goal 16 Estuarine Resources."

The County adopted the CRMP in June 1980 and amended in 1982, 1983, and 1991. The CRMP defines permitted and conditional uses for the various estuary management unit types. It also specifies policies pertaining to the various coastal shoreland management unit types. The CRMP specifically identifies and classifies estuary management units and shoreland management units along the Siuslaw River. Applicable overlay zoning is based on these management unit designations.

The two subject management units, as identified in the CRMP, are estuary management unit C and shoreland management unit 1. The city is evaluating a change to management unit designations for C and 1 to ensure an accurate reflection of current conditions. The proposed change is for estuary management unit C to change from "Natural" to "Conservation" and for shoreland management unit 1 to change from "Natural Resource Conservation" to "Residential Development."

*Shoreland management unit 1* Shoreland management unit 1 is classified as "Natural Resource Conservation" in the CRMP because of its aesthetic value, provision of public access to the ocean and jetty, proximity to natural estuary management unit C, and the vulnerability of the terrace to landslides. Since the CRMPs adoption and subsequent revision in 1991, there has been significant development of single family homes in much of shoreland management unit 1. A change to the "Residential Development" designation would recognize (as described in the CRMP), "that there are certain shoreline areas which have been committed to residential use by their development patterns over many years. The underlying assumption of this MU (management unit) is that the residential character should remain undisturbed." Residential development has not occurred to the same degree in that portion of management unit 1 that is outside City limits. This northern portion includes the most notable public access points and scenic and recreation sites within management unit 1 (i.e. North Jetty, Harbor Vista Park).

In March of 1991, the Florence Planning Commission approved a proposal for a 116 unit

subdivision, Shelter Cove, on top of a bluff in shoreland management unit 1. Shortly thereafter, property owners began to explore the possibilities for stabilizing the bank to slow the rate of erosion into a portion of the adjacent estuary C.

Under the CRMP "Natural Resource Conservation" shoreland designation that is applied to management unit 1, artificial stabilization measures may only be applied to protect

- Public and private roads,
- Bridges or railroads, or
- A structure which existed on October 7, 1977, which is threatened by natural erosion processes.

Under the CRMP "Natural" estuary designation that is applied to management unit C, artificial stabilization measures may only be used for protection of

- Uses existing as of October 7, 1977,
- Unique natural resources
- Historical and archaeological values,
- Public Facilities, and
- Bridge Crossings

*Estuary management unit C* Estuary management unit C is classified as "Natural" in the CRMP because of its high biological and recreational value. In 2001, as the City of Florence was updating the Comprehensive Land Use Plan, Jim Hurst, Shelter Cove property owner and president of Hurst Companies of Oregon, Inc. submitted two studies to the city to support a change to the Florence comprehensive plan management unit designation of a portion of the estuary referred to as sub-area C1 (see map). These studies are: "An Evaluation of Effects of Severe Bank Erosion On The Benthic Macroinvertebrate Community and General Habitat Conditions Near Shelter Cove Siuslaw River Estuary, Oregon" prepared by Robert H. Ellis, PhD. of Ellis Ecological Services, Inc. and "Shelter Cove Subdivision- Historic Erosion Report, Lower Siuslaw Estuary Florence, Oregon" prepared by Wetland, Beaches, and Dunes consultant Wilbur E. Temyik.

In August 2002, a field inspection of sub-area C1 was also performed by Department of Fish and Wildlife Shellfish Project leader, John A. Johnson. All the studies agree that unique clam species are no longer found living in estuary sub-area C1 and that the overall biological productivity of the area is now relatively low. The studies do not directly deal with the larger estuary management unit C, although the Ellis Report does find ghost shrimp beds in another portion of management unit C in the course of its study of sub-area C1.

At the request of Lane County Commissioner Dumdi, the Army Corps of Engineers performed a section 111 reconnaissance study of the bank's erosion along sub-area C1. In the January 9, 1990 Army Corps of Engineers report, annual erosion of the bank was expected to remain constant at approximately 5ft per year. The Corps report acknowledged the impact on the bank's erosion caused by the federal navigation project. However, the Corps cost-benefit analysis (prior to the development of the Shelter Cove subdivision) determined that the cost of an erosion protection project exceeded the value of damages it would prevent and therefore, the Corps did not support a work project. The management unit designations would have presented an

obstacle to this and any other rip-rap project regardless.

### III. Conclusions/Recommendations

*Re: proposal to change estuary management unit C from "Natural" to "Conservation"*

There is substantial evidence supporting a change in the management unit designation of sub-area C1 from "Natural" to "Conservation", specifically the corroborated finding that the area is not viable habitat for unique clam species due to the drastic erosion of the bank. Evidence of ecological and biological change in the whole of management unit C is sparse by comparison though and in its absence, a change in designation is not supported.

*Re: proposal to change shoreland management unit 1 from "Natural Resource Conservation" to "Residential Development"*

The development pattern of shoreland management unit 1 within city limits suggests that a change to the "Residential Development" designation may be appropriate for that section of the management unit. Although the original rationale for designating it "Natural Resource Conservation" included the point, "terrace subject to landsliding" the change in designation would not alter minimum setback requirements; furthermore it would allow for application of rip-rap.

The aesthetic and recreational value of that portion of management unit 1 that is currently in the county dictates that this area would not be suitable for the "Residential Development" designation. The original rationale for the "Natural Resource Conservation" designation concerning the shorelands proximity to a "biologically important part of the estuary" (management unit C) is a point for consideration, as there is no evidence suggesting otherwise beyond sub-area C1.

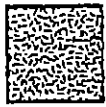
Alternatives, to recommend a change in the designation of either:

1. Estuary management unit C (from "Natural" to "Conservation") and Shoreland management unit 1 (from "Natural Resource Conservation" to "Residential Development"), or
2. Sub-Area C1 (from "Natural" to "Conservation") and that portion of Shoreland Management Unit 1 within Florence City Limits (from "Natural Resource Conservation" to "Residential Development"), or
3. Sub-Area C1 and that portion of Shoreland Management Unit 1 adjacent to sub-area C1 (from "Natural Resource Conservation" to "Residential Development")

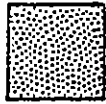
Staff recommends alternative number two because the biological findings in estuary sub-area C1 are consistent with the "Conservation" designation and because the development pattern within the City's portion of shoreland management unit 1 is consistent with the "Residential Development" designation.

# MANAGEMENT UNITS

## SHORELANDS



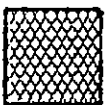
NATURAL RESOURCE CONSERVATION



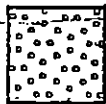
SIGNIFICANT NATURAL AREA



MIXED DEVELOPMENT



PRIME WILDLIFE AREA



RESIDENTIAL DEVELOPMENT



DREDGED MATERIAL DISPOSAL SITE

## ESTUARY



DEVELOPMENT



CONSERVATION



NATURAL

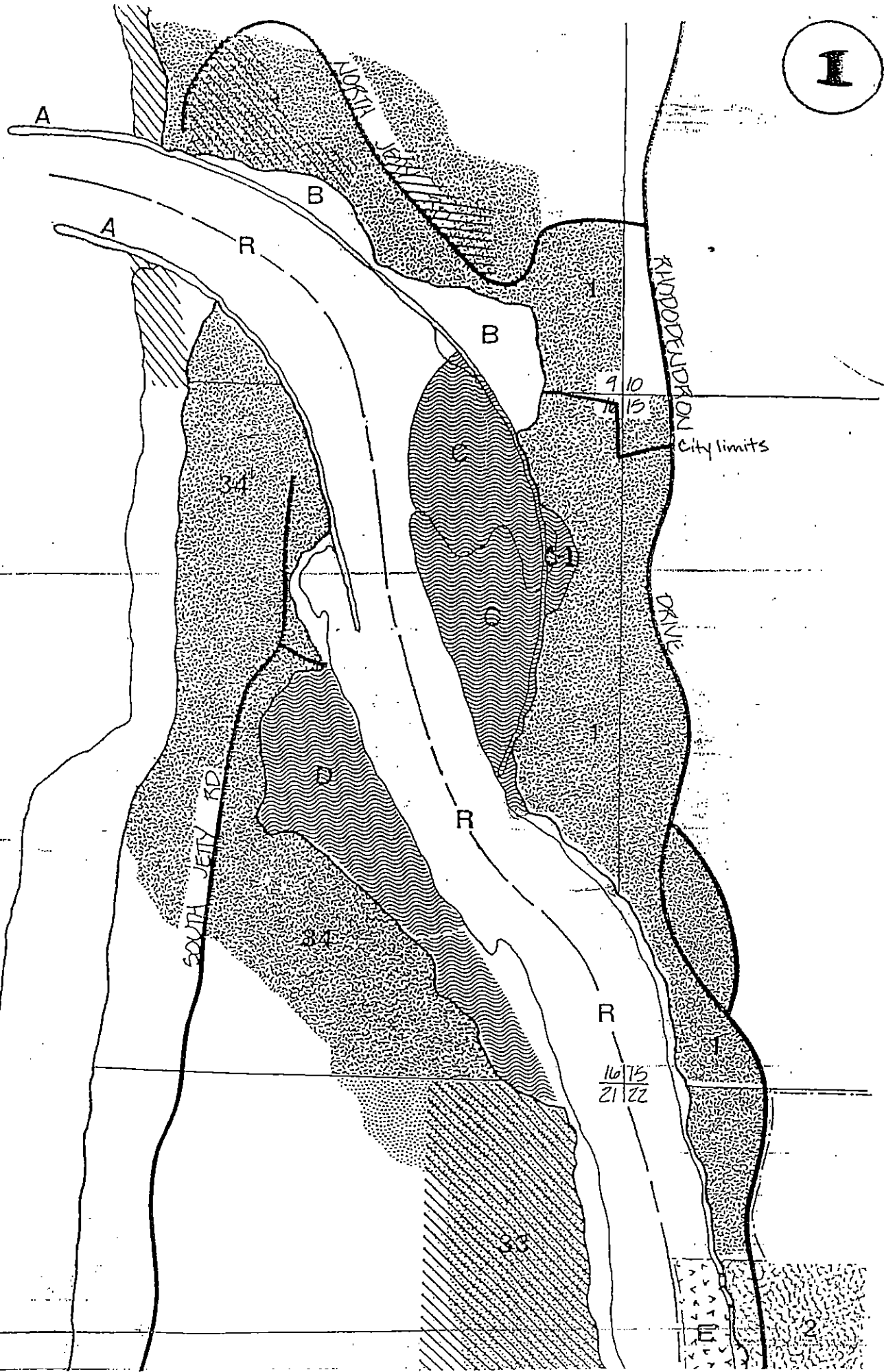


DIKED HIGH SALT



MITIGATION SITE

1



CITY OF FLORENCE PLANNING COMMISSION  
APRIL 13, 2004 ♦♦ MINUTES

**1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND APPROVAL OF AGENDA**

Chairman Paul opened the meeting at 7:00 pm. Roll call: Commissioners Franzen, Lee, Lysdale, Nieberlein, Paul and Vaughan present. It was noted that Commissioner Teal arrived at 7:15 pm. Also present: Interim Community Development Director McCorkle, Assistant Planner Farley, RARE student Kate Bodane and Planning Technician Ambrosio. The agenda was adopted as presented. Chairman Paul led the pledge of allegiance.

**2. CONSIDER APPROVAL OF MINUTES**

The minutes from the December 2, 2003 work session, and the regular meetings for December 9, 2003 and January 27, 2004 were approved as submitted.

**3. PUBLIC COMMENTS:** *This is an opportunity for members of the audience to bring to the Planning Commission's attention any item 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.*

**Arnold Buchman, Florence, OR**

Mr Buchman quoted the Florence City Code, Chapter 4: Flood Damage Prevention, "...in order to accomplish it's purposes, this chapter includes methods or provisions for restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which results in damaging increases in erosion or in flood heights or velocities." He also stated that the interpretation and application for the chapter all provisions shall be liberally construed in favor of the governing body. He felt it is important for the Commission to keep this in mind when considering future items.

**Richard Lewis, 120 Shoreline Drive, Florence, OR**

Mr Lewis asked the Commissioners to keep in mind that contractors have the right build and to request variances. He also stated that homeowners have the right to be heard on matters that affect their area. He indicated that the homes, life, and safety need to be considered in these matters. In regards to the earlier statement, he agreed that the Planning Commission has an obligation to look at all issues regarding safety of individuals and property. He also added that he felt the Board has a legal responsibility to protect homeowners and their property.

***PUBLIC HEARING ITEMS:*** *Chairman Paul: "This evening we have three hearings, which are public hearings. These proceedings will be recorded on tape. These hearings will be held in accordance with the land use procedures required by the City Plan and Ordinances and the State of Oregon. For each hearing tonight, the applicable substantive criteria will be read and are 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. 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, would preclude an appeal based on that issue."*

**4. RESOLUTION 04-02-10-05** *(Continued from 2-10-04)* A REQUEST FOR APPROVAL TO AMEND THE FLORENCE COMPREHENSIVE PLAN CHAPTER 16, ESTUARINE RESOURCES AND THE LANE COUNTY RURAL COMPREHENSIVE PLAN - COASTAL RESOURCES MANAGEMENT PLAN, CHAPTERS II & III TO REVISE THE DESIGNATION OF ESTUARINE MANAGEMENT UNIT C FROM "NATURAL" TO "CONSERVATION" AND THE DESIGNATION OF ESTUARINE

SHORELAND MANAGEMENT UNIT 1 FROM "NATURAL RESOURCE CONSERVATION" TO "RESIDENTIAL DEVELOPMENT" AS APPLIED FOR BY THE CITY OF FLORENCE.

Chairman Paul asked for verification that the public hearing was closed to all comments except those written comments submitted by affected government agencies. CDD McCorkle confirmed this and explained that the item was continued to allow specific agencies additional time to comment.

RARE Student Bodane explained that no additional comments were submitted from affected agencies. She also asked the Commission to note that Exhibits B and C in Items #4 and #5 of their packets were switched.

Ms Bodane reminded the Commissioners that the proposed adoption is the first step in a coordinated process with the County to address the amendments. If the Commission agrees to adopt the changes, the issue will be presented to the Council. If the Council adopts the amendments, then the project will be forwarded to the County for review.

Chapter 16 of the Comprehensive Plan identifies the Coastal Resources Management Plan as the definitive document for action related to goal sixteen, Estaurine Resources. The Coastal Resources Management Plan meets state goals sixteen and seventeen requirements by providing an inventory of the region's Estaurine Resources and Coastal Shorelands and by designating permitted uses for those units.

She explained that Estaurine Management Unit C is adjacent to Shelter Cove and Shoreland Management Unit 1 is west of Rhododendron Drive extending south from North Jetty Road to just beyond the Seawatch subdivision.

Ms Bodane gave a history of the Coastal Resources Management Plan. She explained that the proposed amendments seek to change the designation from Management Unit 1 and C to more accurately reflect current conditions. Estaurine Management C, currently designated Natural, would be changed to Conservation with the proposed amendment. Shoreland Management Unit 1, designated Natural Resource Conservation, would be updated to Residential Development.

Ms Bodane cited the studies performed to support the proposed changes to the Estaurine Management Unit C area. She noted that while the proposed amendment originally intended to change all of Management Unit C, the biological findings only addressed sub area C1. Therefore, staff does not recommend the original proposal.

Ms Bodane explained the location and basis behind the designation of the Shoreland Management Unit 1. She stated that significant development of single family homes has occurred in much of this unit which is located within the City limits. She also stated that the same growth has not been seen in the area outside the City limits. Ms Bodane stated that the plan's priorities governing designation and amendments of the management units begin with promoting uses which maintain the integrity of estuaries in coastal waters. However exceptions may be made with a demonstration of public need and the recognition of a commutative effect of the changes. She stated that the public need in this case would be the erosion which is threatening developed land within the city and that the effects of the change would include the substantial development of the shoreland area. Ms Bodane stressed the fact that the Management Plan prioritizes provisions for water dependent and water related uses. Based on this, she recommends that the original proposal be scaled back to include only the portion within the City limits.



Commissioner Lysdale verified that the area south of C1 does not have an erosion problem. Ms Bodane explained that this area was identified and defined by the studies requested by the Shelter Cove subdivision. It was those studies which indicated that it was not an issue.

Commissioner Lysdale asked if the areas are being redefined, would the process start over? Ms Bodane stated that the Planning Commission has the authority to make recommendations based on their findings.

CDD McCorkle reminded the Planning Commission that their recommendation will go to the Council however the County is the one who will make the final change.

Commissioner Lysdale referred to the lack of agency input. CDD explained that the agency findings were done, however, it was not submitted to the Planning Commission within the allotted time. The agency understands that they have forfeited their right to comment.

Commissioner Lee moved to approve Resolution 04-02-10-05: a request to recommend the City Council amend the Florence Comprehensive Plan Chapter 16. Estuarine Resources and the Lane County Rural Comprehensive Plan - Coastal Resources Management Plan, Chapters II & III to revise the designation of Estuarine Management Unit Sub Area C1 from "Natural" to "Conservation" and the designation of the portion of the Estuarine Shoreland Management Unit 1 located within the City limits from "Natural Resource Conservation" to "Residential Development". Second by Commissioner Lysdale. By roll call vote: Commissioner Lee "yes"; Commissioner Franzen "yes"; Commissioner Lysdale "yes"; Commissioner Nieberlein "yes"; Commissioner Teal "yes"; Commission Vaughan "yes" and Chairman Paul "yes". Motion passed.

**5. RESOLUTION 04-02-10-06** (Continued from 2-10-04) A REQUEST FOR APPROVAL TO AMEND THE LANE COUNTY SIUSLAW RIVER DREDGED MATERIAL DISPOSAL PLAN TO ELIMINATE DISPOSAL SITES #14, #15, AND #16 FROM THE PLAN AS USABLE SITES AS APPLIED FOR BY THE CITY OF FLORENCE.

Chairman Paul noted the hearing was previously closed and entertained commissioner discussion.

RARE Student Bodane explained that this was also a coordinated process with the County. She gave a history and location of the disposal sites. Ms Bodane noted that citizens have requested sites fifteen and sixteen be removed from the plan. She also explained that sites fifteen and sixteen have been developed on and are considered full, therefore staff recommends the sites be removed from the dredged materials disposal plan.

Ms Bodane noted that disposal site fourteen is considered to be viable according to the Port of Siuslaw. The Port considers this site a valuable deposit site for spot maintenance dredging. The Port has majority ownership of this site and wishes to retain it for future use. Due to the Port's interest of retaining the site and lack of resident's interest in removing the site, staff suggests that the Planning Commission not recommend removal of site fourteen from the dredged material disposal site plan.

Commissioner Vaughan asked which portion of site sixteen has not been built upon. Ms Bodane stated her understanding that the Bay Bridge Condominiums cover the entire site. CDD McCorkle agreed.

Commissioner Lee asked if at some time in the past, sites fifteen and sixteen were thought to have been

removed. CDD McCorkle agreed.

Commissioner Lysdale moved to approve Resolution 04-02-10-06 a request for approval to amend the Lane County Siuslaw River Dredged Material Disposal Plan to eliminate Disposal Sites #15 and #16 from the plan as usable sites as applied for by the City of Florence. Second by Commissioner Nieberlein. By roll call vote: Commissioner Lee "yes"; Commissioner Franzen "yes"; Commissioner Lysdale "yes"; Commissioner Nieberlein "yes"; Commissioner Teal "yes"; Commission Vaughan "yes" and Chairman Paul "yes". Motion passed.

**6. RESOLUTION 03-08-12-19** (Continued from 3-09-04) A REQUEST FOR APPROVAL OF A 27 LOT SUBDIVISION, WISTERIA AT SANDPINES, LOCATED AT MAP REFERENCE 18-12-15-34, TAX LOT 3500; NORTH OF SIUSLAW VILLAGE, SOUTH AND WEST OF SANDPINES GOLF COURSE, AND EAST OF VACANT LAND, IN THE MANUFACTURED HOME AND SINGLE FAMILY RESIDENTIAL DISTRICTS, AS APPLIED FOR BY ROBERT F. TROST, AGENT FOR ARIKI-OREGON, LTD.

Chairman Paul noted that this hearing was previously closed and was continued for commissioner discussion only.

Chairman Paul asked for Commissioners to declare possible conflict of interest or ex parte contact. Commissioner Franzen recused himself. Commissioner Lee noted she would refrain from commenting and voting due to not having been able to research the item.

CDD McCorkle reminded the Commission that they had directed staff to try to work out a drainage easement. CDD McCorkle distributed a letter from the potential owners of Sandpines which indicated they were not in a position to discuss a potential easement. He also indicated he appreciated Mr Trost's willingness to participate in the discussion process.

CDD McCorkle presented an alternate plan which changes conditions ten and eleven of the staff report. He also amended conditions seven and twelve. CDD McCorkle explained that the original plan which provided for a system that allowed in-ground infiltration or absorption would probably have been appealed regardless of whether it was approved or denied. His feels his proposal, which requires existing and future drywells systems to be connected to a drainage system when it was installed, satisfies those parties concerned. He also noted that PWD Lanfear will go before the City Council in May to propose the Stormwater LID.

Commissioner Teal asked if the final recommendations were on pages six. CDD McCorkle explained that what they would be approving would be the Conclusions and Recommendation of the staff report.

Commissioner Lysdale asked if there is a plan to put a 36" pipe in and dispersing the water onto Sandpines. CDD McCorkle indicated that this plan does not involve that pipe. Commissioner Lysdale then asked if the developer was going to put in the 15" pipe along the back of the property as previously proposed. CDD McCorkle stated no, because PWD Lanfear has indicated that such a pipe would become part of the collection system. Commissioner Lysdale expressed his concern with allowing a temporary injection system. CDD McCorkle stated that if City implements the Stormwater Management Plan, these issues should be addressed in the future. He reminded Commissioner Lysdale that the current issue is a tentative approval of a subdivision and that the performance bonds required by the City hold the developer to the requirements set by the conditions of approval. CDD McCorkle also noted that the proposal includes phases and that the

Commission would have the opportunity to add specific conditions to each of those phases.

Chairman Paul noted that one of the reasons the Planning Commission has had such a difficult time with this project was because the Stormwater Management Plan was not adopted prior to this application being submitted. He explained that future developments will have to abide by the Storm Water Management Plan.

Commissioner Lysdale stated given that the drywell utilization is temporary, he did not feel that conditions defining the drywells was necessary.

Commissioner Lysdale moved to approve RESOLUTION 03-08-12-19 a request for approval of a 27 lot subdivision. Wisteria at Sandpines, located at Map Reference 18-12-15-34, Tax Lot 3500; north of Siuslaw Village, south and west of Sandpines Golf Course, and east of vacant land, in the Manufactured Home and Single Family Residential Districts, as applied for by Robert F. Trost, agent for Ariki-Oregon, Ltd. with the conditions specified by staff and the additional provisions that future property owners have a deed restriction requiring the property and all impervious surfaces be connected to future storm water systems as described in alternative three. Second by Commissioner Teal.

Chairman Paul asked the applicant if he agrees with the conditions. Mr Trost explained that he would like to have an opportunity to examine the conditions before he commented. CDD suggested the Commission request that staff revise the conditions prior to a final vote on the motion. Chairman Paul asked if the commission can act upon the motion with the ability to revised that motion if Mr Trost has concerns. CDD recommended that the Planning Commission table the motion until April 27, 2004 when a clean version could be presented.

The Commissioners discusses the nature of the changes to the conditions with CDD McCorkle.

The Commissioners took a short break to allow staff to make the recommended changes necessary to present a clear copy to the Commissioners.

Chairman Paul asked the applicant if he agrees with the conditions. Mr Trost explained that he would like to have an opportunity to examine the conditions before he commented

Commissioner Lysdale modified the motion previously made to approve RESOLUTION 03-08-12-19 a request for approval of a 27 lot subdivision. Wisteria at Sandpines, located at Map Reference 18-12-15-34, Tax Lot 3500; north of Siuslaw Village, south and west of Sandpines Golf Course, and east of vacant land, in the Manufactured Home and Single Family Residential Districts, as applied for by Robert F. Trost, agent for Ariki-oregon, Ltd. with the conditions specified in the modified staff report. Second by Commissioner Teal.

By roll call vote: Commissioner Lee "abstain"; Commissioner Lysdale "yes"; Commissioner Nieberlein "yes"; Commissioner Teal "yes"; Commission Vaughan "yes" and Chairman Paul "yes". Commissioner Franzen recused himself. Motion passed.

## DISCUSSION ITEMS

### 7. SOIL STABILIZATION

CDD McCorkle sited the background to this discussion.

Chairman Paul asked Mr Sullivan to approach the Commission

Commissioner Teal asked if Mr Sullivan still was focused on soil compaction. Mr Sullivan stated that yes, compaction is a large part of stabilization.

The Commissioners discussed with Mr Sullivan his concerns.

Chairman Paul stated he felt that it was a building code issue rather than a Planning Commission issue. He recommended that Dave Gates, Building Inspector be advised and queried on the subject.

Mr Sullivan explained that he has had conversations with Mr Gates.

Commissioner Vaughan cautioned the Commission against adding something to our code which would require an additional inspection. This could add a very large fee to the cost of new construction.

Commissioner Franzen asked what the difference between compacting with a cat and a roller was and questioned to whether a cat can provide the same compaction as a roller.

Commissioner Lee asked CDD McCorkle if the City Code can be less restrictive than the Oregon Code. CDD McCorkle explained that the City Code can be more restrictive, but not less.

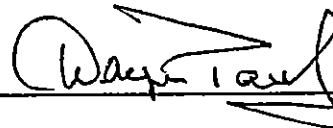
Commissioner Lee recommended the Commission set the issue aside until the Building Inspector can be involved in the discussion. The Commissioners agreed. CDD McCorkle recommended that the two builders on the Commission be involved in the discussion.

#### **OTHER BUSINESS**

CDD McCorkle explained that the City Council adopted the Wellhead Protection Plan at their last meeting. The Planning Commission has been issued copies of the manual.

#### **ADJOURNMENT**

The meeting was adjourned at 9:02 pm.



**WAYNE PAUL, CHAIRMAN  
FLORENCE PLANNING COMMISSION**

WAVE BEACH GRASS NURSERY

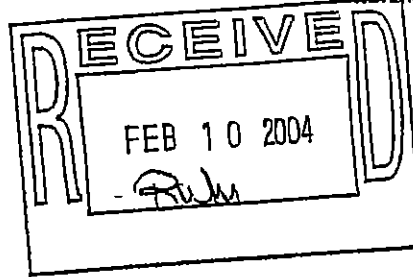
WETLAND, BEACHES & DUNES CONSULTANTS

WILBUR E. TERNYIK  
MATTHEW J. TERNYIK

WETLAND DELINEATIONS  
DUNE MANAGEMENT  
SITE INVESTIGATIONS  
MITIGATION DESIGN  
PLANT MATERIALS

P.O. BOX 1190  
FLORENCE, OR 97439-0059  
PH. 541-997-2401  
FX. 541-997-6039

ONL #168093  
OLCL #7819  
#10120



February 8, 2004

Roger McCorkle  
Community Development Dept.  
City of Florence  
250 Highway 101  
Florence, OR 97439

Re: Amendment of the Lane County Coastal Resources Plan as follows:  
Amendment of the Estuarine Management Unit adjacent to Shelter Cove  
Subdivision from Natural to Conservation. Amendment of the Shoreland  
Management Unit adjacent to Shelter Cove Subdivision from Natural Resources  
Conservation to Residential Development

Dear Roger:

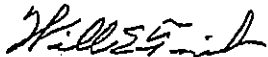
As noted is the city information package for consideration at the December 2, 2003 Work session Discussion meeting this issue has been ongoing since the early 1980's. As noted in my November 2001 *Shelter Cove Subdivision Historic Erosion Report* the US Army Corps of Engineers issued a report in response to a request for a Section 111 Study to determine possible COE funding for riprap protection project (January 9, 1990). Now some 13 years later we are still discussion the very serious erosion problem.

I have enclosed the Introduction section of our November 2001 erosion report documenting by a photo record this still ongoing process. A process that not only is causing significant damage to the nearby estuarine resources, bur now threatening large residential homes above the sand bluffs (see photos 1 and 9). The enclosed update photo section is further proof of the need to change the zoning to Conservation and Shorelands to Residential so that permanent corrective actions can be undertaken.

Having worked on numerous similar erosion areas up and down the Oregon Coast for decades; I can assure everyone that were the zoning changed tomorrow it possibly will take 3 to 4 years to obtain necessary permits and funding sources. In this situation time is not on our side.

We thank you for your careful consideration of the problem. Further photo updates will be forwarded.

Sincerely,



Wilbur E. Ternyik  
Wetland, Beaches & Dune Consultant

WET/jt

cc: Jim Hurst

## INTRODUCTION

This riverfront erosion report was prepared at the request of the co-developer, Hurst Companies of Oregon, Inc., James Hurst, President, concerning Shelter Cove subdivision in Florence, Oregon. The purpose of this report is to provide a photo record of ongoing and historical erosion in what is designated as the north area, (Exhibit 1). It should be noted this erosion has occurred even though the developer has followed LCDC and consultants guideline suggestions by planting soft stabilization beach grass at a cost of approximately \$70,000. In addition he has required by restrictions a home setback almost triple the normal 50 to 140 feet.

The photo record section coupled with the lower estuary biological study gives vivid illustrations of the ever increasing bank erosion and the danger it poses to the lower estuary natural values. In addition, the near future possible threat to homes of those living north of this area of the subdivision. Both reports will be submitted to the City of Florence for their consideration as they update the City of Florence Comprehensive Land Use Plan for submittal to the Land Conservation & Development Commission (LCDC). Factual written and photographic documentation as justification for the need to change the zoning between the deteriorated jetty to the Shelter Cove bank from Natural to Conservation. This change would make the near-shore zoning consistent with both upstream and downstream adjoining riverfront areas.

Following the photographic section is a section covering historical written materials by the developer, his consultants, Lane County, City of Florence and the Corps of Engineers (COE). The most important of which is the Corps of Engineers report of January 9, 1990.

Florence offered to act as the required local government sponsors. There would be no cost to the sponsor.

Please note that this study report not only documents past rate of erosion and acres of land lost, but also estimates increased erosion rates and their future threats to home, life, and city infrastructures to the east. The same report, as does others ask for a complete biological study of the lower estuary both inside and outside of the deteriorated jetty. The purpose being to establish the impact of the continued Shelter Cove erosion sand on the lower estuary natural values. Until this year no such comprehensive study documenting the impacts of the massive erosion sedimentation had been conducted. Mr. Hurst engaged Ellis Ecological Service to conduct the requested biological investigation report (a copy has been submittal).

By comparing the Ellis report with the COE predictions borne out by the past ten years of erosion, there is clear proof that significant loss of natural wildlife values occurs every year that the erosion problem is not corrected. It is important to note hat the COE report decision not to move forward with a Section 111 project was due to a deficit cost benefit ratio. This determination was based on a very low land value estimate before development of the subdivision and addition of homes.

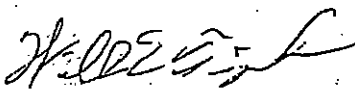
Finally, we ask you to review two exhibits. The first exhibit, COE aerial map dated 1969 (Exhibit 2). Note the Authorized shipping channel location. Then look at photos #2 and #4 that shows the locations of the COE rock groins constructed on the west side of the river upstream and across from the Shelter Cove north erosion area. These groins direct



the full force of the river and out going tide directly into the Shelter Cove shoreline area (North erosion area). The second review report (Exhibit 3) is from Lane County Public Works titled, "Lane County Rural Comprehensive Plan - Coastal Resources Management Plan." Page 1 illustrates mapping designation of the various elements present and zoning of various areas. Please note that the embayment below Shelter Cove has a B zoning of Conservation. In addition, the area upstream from Cannery Hill is also zoned Conservation. Our request is that the very small area to the east of the deteriorated jetty outlined in red be rezoned to Conservation, so that protective measures can be undertaken to afford permanent stoppage of the erosion problem and further estuarine natural values destruction.

We ask for serious consideration of this request be adopted into the current City of Florence Comprehensive Land Use Update. The COE made it plain that they would reconsider the Section 111 Project possibility if and when a complete lower estuary biological study was submitted and property values changed. The change of zoning will enable the process to move forward. Waiting five more years to the next update will result in five more years of massive erosion and lower estuary damage and not to mention channel-dredging costs.

Should there be any further information needed, please, contact me at (541)997-2401 or by fax-(541)997-6069.

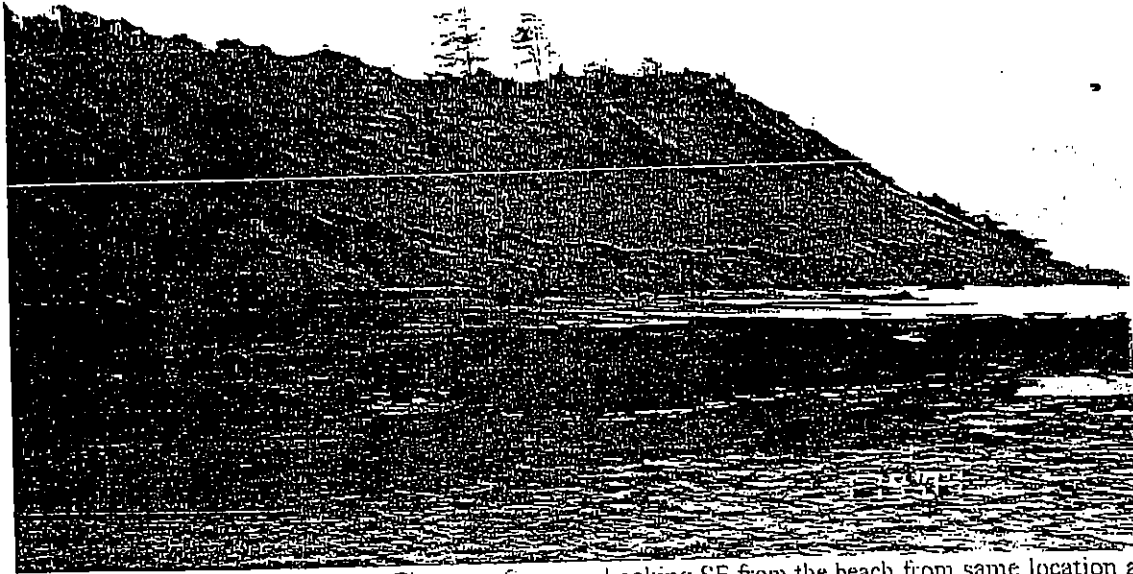
  
\_\_\_\_\_  
Wilbur E. Ternyik  
Wetland, Beaches/Dunes Consultant



Location: Shelter Cove Subdivision - Siuslaw River Estuary, Florence, Oregon. Looking south from top of erosion bank. Note continuing massive slope failure. Also note distance to homes.



Location: Shelter Cove Subdivision, Florence, Oregon. Note large concave slope failures caused by super saturation wet sand coming out about 12' above the high tide line (red dotted line). Area mid section of north erosion bowl.



Location: Shelter Cove Subdivision, Florence, Oregon. Looking SE from the beach from same location as photo #2. Note overall bank erosion caused by summer winds, underground water seepage, and ocean waves.

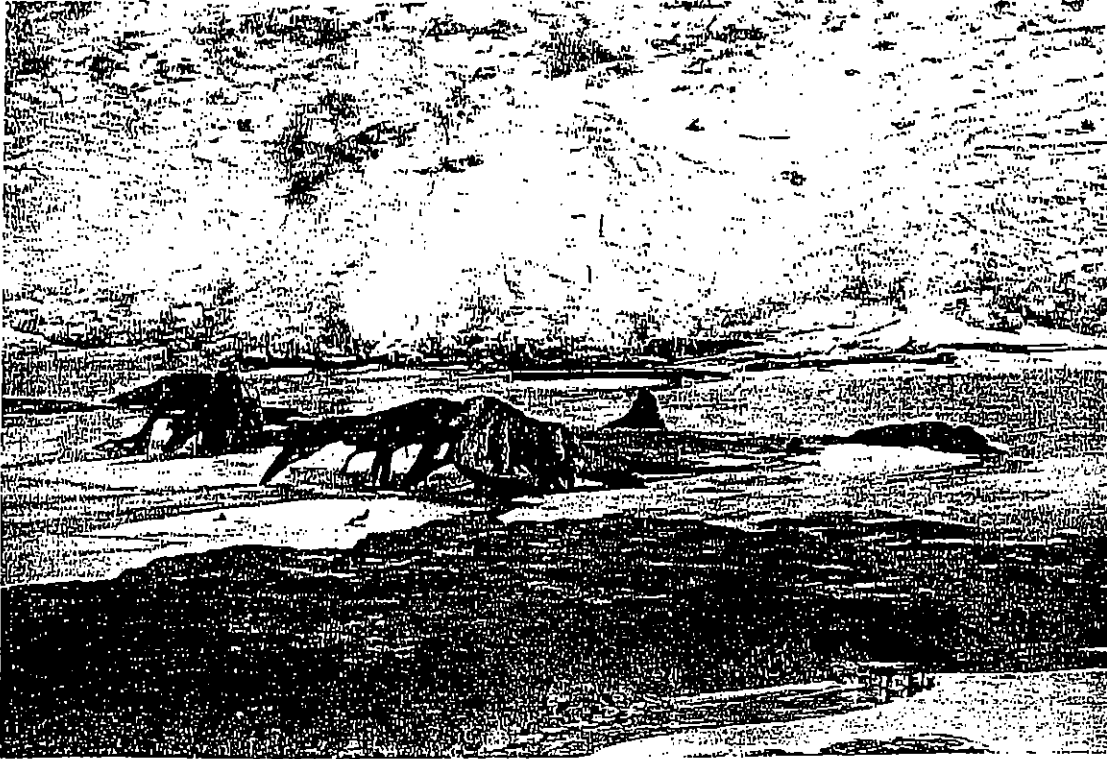


Location: Shelter Cove Subdivision, Florence, Oregon. Looking NW over beach fronting the subdivision. Note deteriorating sandstone jetty allowing ocean waves to reach the erosion bank. Also note ancient spruce stumps evidence of severe subsidence event during last tsunami earthquake about 300 years ago.

Photo 5

Matthew J. Ternyik

1/19/04

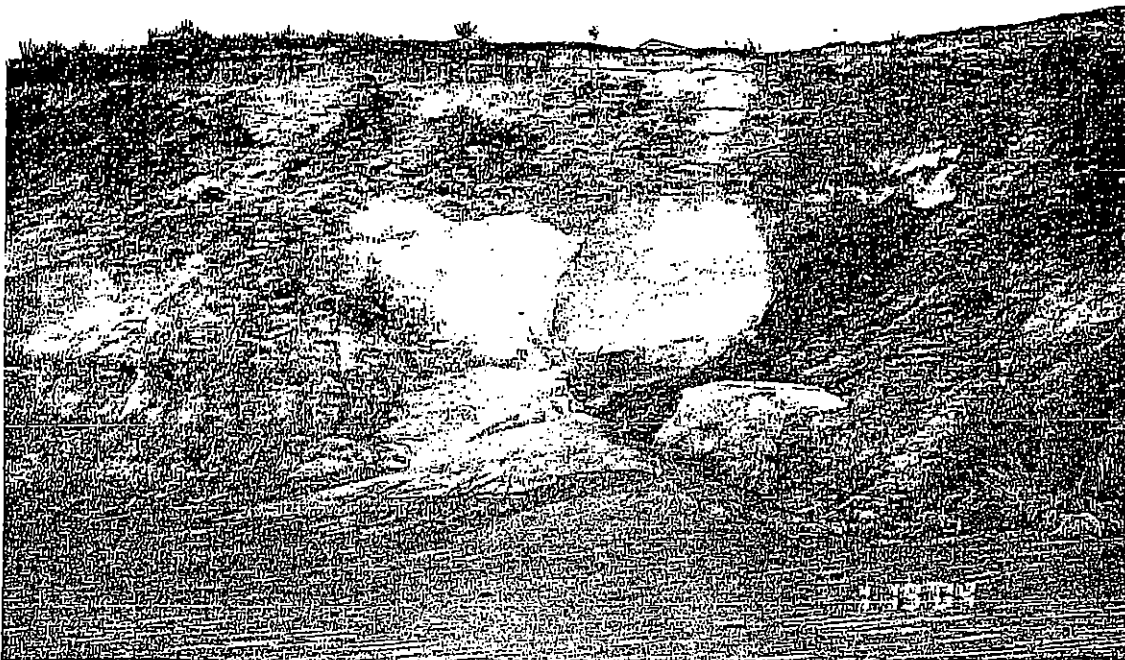


Location: Shelter Cove Subdivision, Florence, Oregon. Looking W towards toe of slope and massive slope failure. Note again historic spruce stumps the result of earthquake subsidence. Also historic soil formation buried for hundreds of years.

Photo 6

by Matthew J. Ternyik

1/19/04



Location: Shelter Cove Subdivision, Florence, Oregon. Looking E from the river beach. Note large super saturation sand flow. Also note rock gable of home now at risk. (see panoramic photo 12)

Photo 7

by Matthew J. Terryik

1/19/04

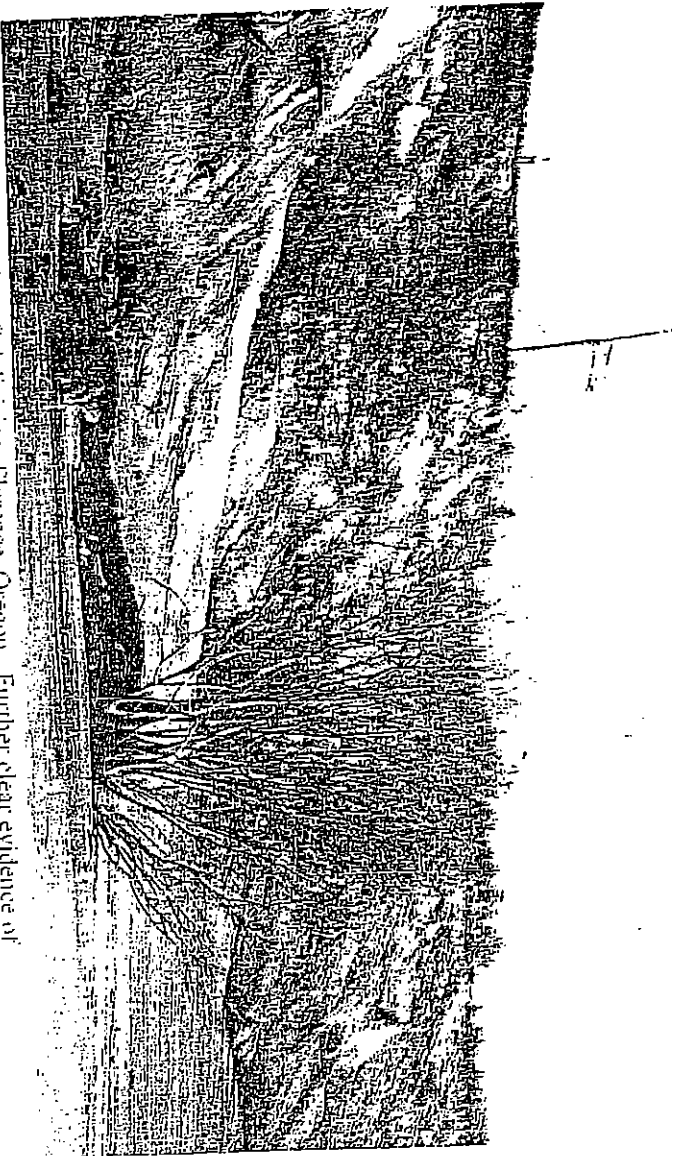


Location: Shelter Cove Subdivision, Florence, Oregon. Close up photo of erosion event shown in photo 6. Note massive liquefied sand flow caused by groundwater from the east.

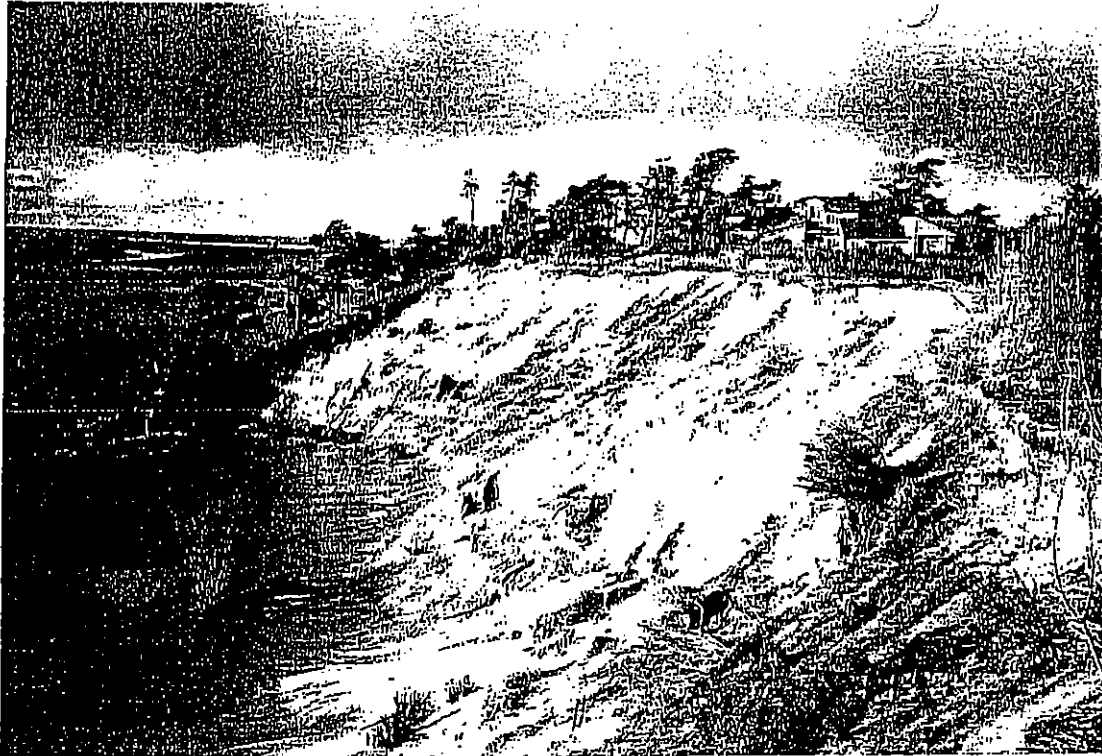
Photo 8

by Matthew J. Terryik

1/19/04



Location: Shelter Cove Subdivision, Florence, Oregon. Further clear evidence of liquefaction sand flow from erosion bowl. Note willow that was on the bank last year.

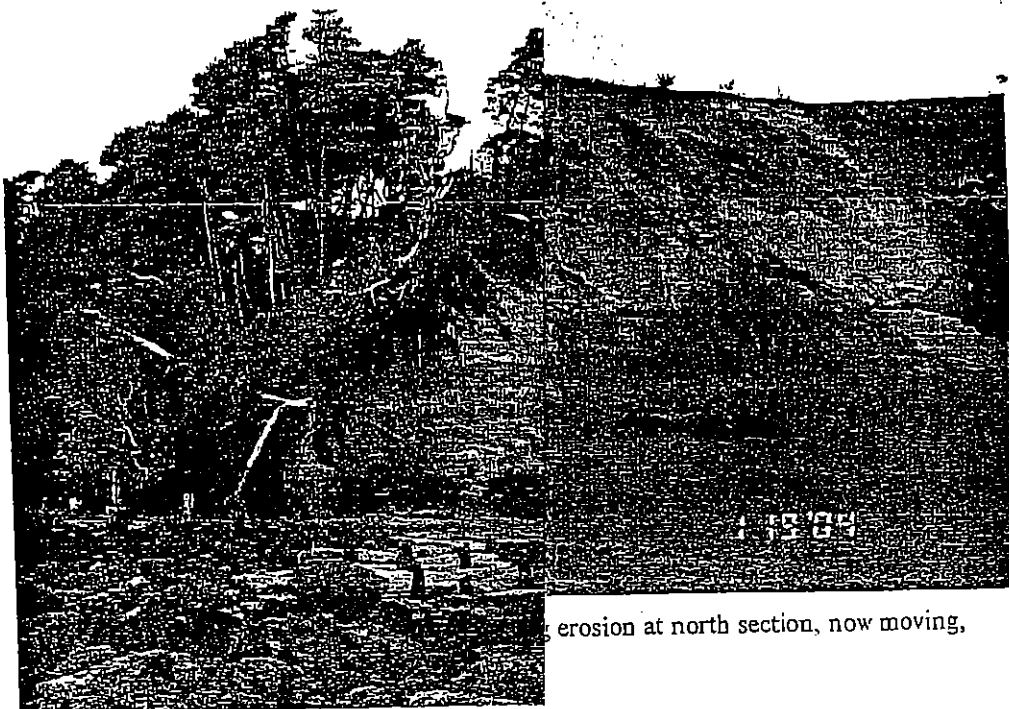


Location: Shelter Cove Subdivision, Florence, Oregon. Looking NW from top of bank at continuing massive erosion slope that's now threatening adjacent Shelter Cove homes and streets. Continuing erosion from the bank causes the destruction of estuarine resources to the west.

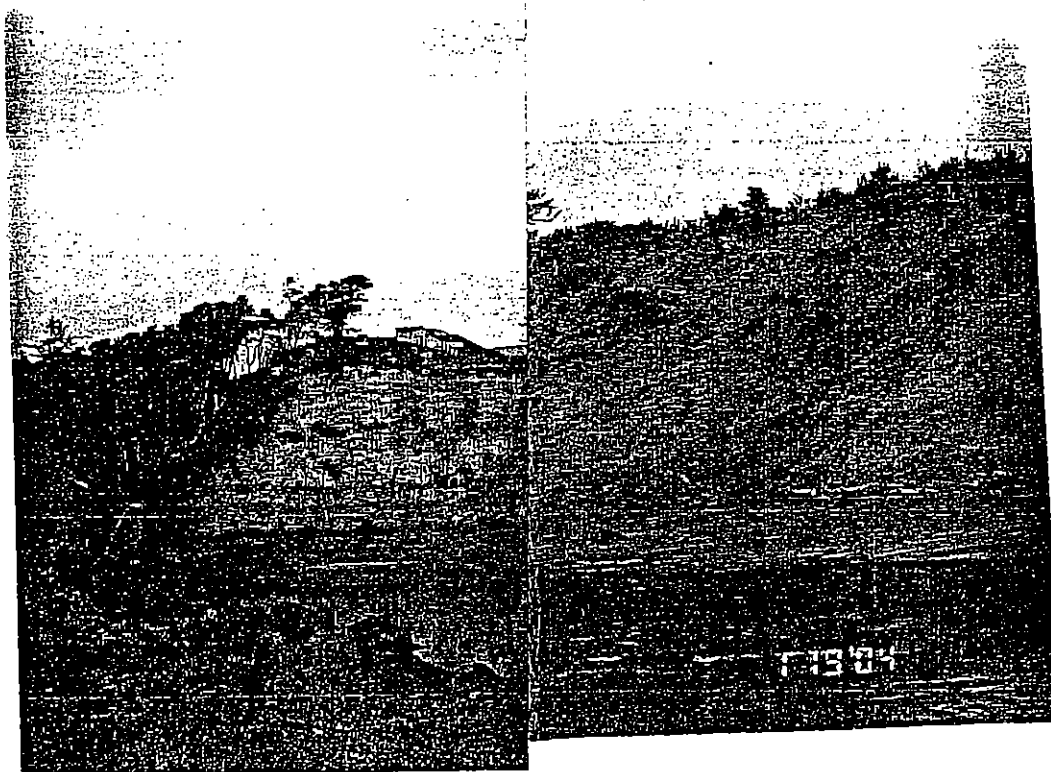


Location: Shelter Cove Subdivision, Florence, Oregon. Looking over severe erosion at north end of the erosion bowl. Note fresh sloughing into tidal area.

1/19/04



erosion at north section, now moving,







# Oregon

Theodore R. Kulongoski, Governor

## Oregon Coastal Management Program

Coastal Field Office

365 Port Street, Ste. B, PO Box 451

Waldport, Oregon 97394-0451

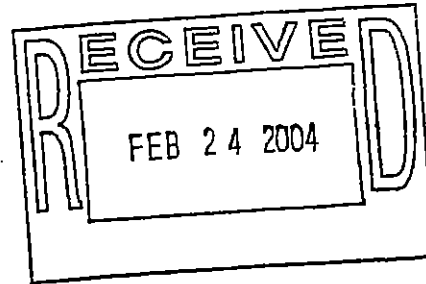
(541) 563-2056

FAX (541) 563-4022

Web Address: <http://www.lcd.state.or.us>

February 23, 2004

Kate Bodane  
City of Florence Planning Dept.  
250 Hwy. 101  
Florence, OR 97439



Re: Shelter Cover Biological Assessment

Kate:

The purpose of this letter is to formally concur with the findings of John Johnson, Oregon Department of Fish and Wildlife biologist, as stated in his letter to Don Oswalt, dated August 21, 2002 (see attached). Based on ODFW's findings in this matter, we further concur with the proposed amendment of the estuary plan management unit in the subject area from the current "natural" designation to "conservation."

If you have questions or I can be of further assistance, please call.

Sincerely,

David Perry  
South Coast Regional Repr.

C: Don Oswalt, DLCD





Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Marine Resources Program

2040 SE Marine Science Drive

Newport, OR 97365

(541) 867-4741

FAX (541) 867-0311

DEPT OF

AUG 22 2002

LAND CONSERVATION  
AND DEVELOPMENT



August 21, 2002

Don Oswalt  
DLCD  
635 Capitol NE Suite 150  
Salem, OR 97301

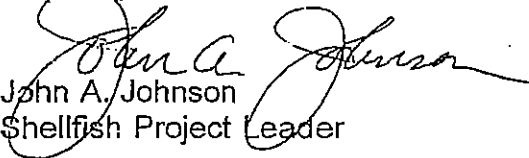
Dear Don:

I recently completed a field inspection of an estuarine wetland area near the mouth of the Siuslaw River referred to as "Sub-Area C1" as requested by Patty Snow of our Habitat Division. I understand that a proposed rezoning change from a Natural to a Conservation Management Unit is being considered by DLCD at this time.

I examined the area on August 7th at 7:30 am, shortly after a -1.1 low tide. My inspection revealed that general productivity of the mudflat and the rocky intertidal areas in "C1" was fairly low as compared to area "B" which is located a short distance to the north. Area "B" had a significant population of softshell clams and ghost shrimp in the mudflats as well as a healthy population of barnacles and mussels covering the rocky intertidal zone. In area "C1", I found no significant softshell clam or ghost shrimp populations in the mudflat and the rocky intertidal area had few healthy barnacles or mussels. No living piddock clams were observed.

I hope this information is helpful.

Sincerely,

  
John A. Johnson  
Shellfish Project Leader

- c: Patty Snow
- Rod Kaiser
- Patty Burke

DP 541-543-4022



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
525 NE Oregon Street  
PORTLAND, OREGON 97232-2737

Refer to:  
OHB2004-0081

April 15, 2004

Mr. Roger McCorkle  
Community Development Director Protem  
City of Florence  
250 Highway 101  
Florence, Oregon 97439-7628

Re: Fish and Wildlife Coordination Act Comments on the Proposed Amendment to the Lane County Rural Comprehensive Plan – Coastal Resources Management Plan

Dear Mr. McCorkle:

NOAA's National Marine Fisheries Service (NOAA Fisheries) reviewed the information packets received from the City of Florence Community Development Department (City) on February 6, 2004, and March 15, 2004. The information packets included documents regarding the City's proposal to amend their Coastal Resources Management Plan (Plan) by changing the land-use designations for two areas along the lower Siuslaw River. These comments have been prepared under the authority of and according to the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) to review and comment on the effects on fish and wildlife from activities proposed by the City.

Our comments are limited to the change in land-use designation in the Estuarine Management Unit C (EMU C) on designated essential fish habitat (EFH) for Pacific salmon. NOAA Fisheries has no comments to offer on the proposed change to land-use designation of Shoreland Management Unit 1 from "Natural Resource Conservation" to "Residential Development".

In summary, NOAA Fisheries recommends that the City: (1) Only change the land-use designation for the area landward of the deteriorating north jetty, commonly referred to as Sub-Area C1 in the supporting documents, to Conservation instead of changing the designation of the entire EMU C to Conservation; and (2) consider alternatives to riprap bank stabilization for shoreline protection to prevent further erosion along portions of the Shelter Cove residential neighborhood.

#### Proposed Action

The proposed action is to amend the Lane County Rural Comprehensive Plan – Coastal Resources Management Plan and corresponding amendment to Chapter 16 – Estuarine Resources



of the Comprehensive Plan for the City of Florence. The amendment would change the current designation of EMU C from "Natural" to "Conservation". We also note that your package includes comments from residents who have expressed an interest in exploring the issue of shoreline armoring. From this correspondence, dating back to the early 1990s, it appears that an indirect consequence of this action will most likely result in an application for a permit to riprap the shoreline along the Shelter Cove residential development.

The Siuslaw River is designated as EFH for chinook and coho salmon under the Magnuson-Stevens Fishery and Conservation Management Act (MSA) (PFMC 1998a, 1999). EFH means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (MSA §3). For the purpose of interpreting the definition of EFH: 'Waters' include aquatic areas and their associated physical, chemical, and biological properties that are used by fish, and may include aquatic areas historically used by fish, where appropriate; 'substrate' includes sediment, hard bottom, structures underlying the waters, and associated biological communities; 'necessary' means the habitat require to support a sustainable fishery and the managed species' contribution to a healthy ecosystem; and "spawning, breeding, feeding, or growth to maturity" cover a species' full life cycle (50CFR600.100).

An adverse effect to salmon means any impact which reduces quality and/or quantity of EFH, and may include direct (e.g. contamination or physical disruption), indirect (e.g. loss of prey or reduction in species fecundity), and site-specific or habitat-wide impacts (e.g. individual, cumulative, or synergistic consequences of actions) (50 CFR 600.810).

#### Effects of the Proposed Action

The proposed action of changing land-use designations may ultimately make it possible to carry out proposals to harden the shoreline with riprap. Hardening the shoreline may, in turn, result in adverse affects to designated EFH for Pacific salmon. Hardened embankments simplify stream channels, alter hydraulic processes, and prevent natural channel adjustments (Spence *et al.* 1996). Moreover, embankment hardening may shift the erosion point either upstream or downstream of the project site and contribute to stream velocity acceleration. As amplified erosive forces attack different locations, and landowners respond with more bank hardening, the river eventually attains a continuous, fixed alignment lacking in habitat complexity (USACE 1977).

Impacts that could occur to EFH for salmon as an indirect effect from this action include, but are not limited to: Loss of shallow edgewater rearing habitat, changes to benthic vegetation, impacts to eelgrass and other vegetation important for herring spawning, loss of shoreline riparian vegetation, and changes in food resources.

#### Recommendations

The City of Florence and the residents of Shelter Cove may still be able to achieve their goals while minimizing impacts to EFH based on the following recommendations:

1. NOAA Fisheries supports changing only the land-use designation of Sub-Area C1 (within EMU C) from Natural to Conservation instead of changing the land-use designation for the entire EMU C to Conservation.

The three documents provided by the City support our recommendation: (1) An Evaluation of Effects of Severe Bank Erosion on the Benthic Macroinvertebrate Community and General Habitat Conditions Near Shelter Cove Siuslaw River Estuary, Oregon. Ellis Ecological Services, Inc; (2) Shelter Cove Subdivision – Historic Erosion Report, Lower Siuslaw Estuary, Florence, Oregon. W.E. Ternyik of Wetland, Beaches, & Dunes Consulting; (3) Field inspection by Oregon Department of Fish and Wildlife (ODFW) on August 21, 2002.

In reviewing the Ellis study, the Executive Summary states, “this study support(s) the rezoning of Sub-Area C1 from natural to conservation” and again in the conclusions reiterates this point by stating, “Based on these results, we conclude that the criteria used to classify Area C as a natural management district are not present in Sub-Area C1 and that inclusion of Sub-Area C1 in Area B (zone Conservation) would be consistent with previous zoning of the area.” Both of these statements show support for only re-designating Sub-Area C1 and makes no mention of re-designating the remainder of EMU C riverward of the north jetty.

The Ellis study provides evidence that the area riverward of the north jetty has greater macroinvertebrate diversity and abundance compared to Sub-Area C1, “...Areas 1 (control site) and 2 (riverward of the north jetty) were significantly larger ( $p < 0.05$ ) than those in sampling Areas 3 (Sub-Area C1) and 4 (Conservation area B).” This study continues on to show its support for the differences between the riverward area of the north jetty and Sub-Area C1 by stating, “Further out in Area C, beyond the jetty, a small outcropping of siltstone that has remained exposed during the past ten years or more was inspected by W. Ternyik on July 22, 2001 during a minus tide. Two species of Piddock clams were found in the area --- the Rough Piddock (*Zirphaea pilsbryi*) and the Flat-tip Piddock (*Penitella penita*). Clam diggers were digging Rough Piddock from the exposed area during Mr. Ternyik’s visit (Photo 6). Photo 7 illustrates the large size of the Rough Piddocks found at this site.” These findings lead to a conclusion that the area in EMU C riverward of the deteriorating north jetty may be more biologically active, and have few similarities to Sub-Area C1, thus, only the Sub-Area C1 portion warrants the designation of Conservation.

The Ellis study focused their efforts on demonstrating the lack of macroinvertebrate and habitat diversity and complexity in Sub-Area C1. As for the EMU C riverward of the north jetty, the study did not specifically address how that area does or does not meet the Rationale statements in Goal 16 of the Plan. At times, when the EMU C area was mentioned, evidence was provided for a continued designation of Natural for that area.

In reviewing the Ternyik study, comments clearly pertain to the re-designation of Sub-Area C1: “Our request is that the very small area to the east of the deteriorated jetty outlined in red be

rezoned to Conservation, so that protective measures can be undertaken to afford permanent stoppage of the erosion problem and further estuarine natural values destruction.”

From reading the letter by Mr. Johnson of ODFW, he consistently refers to his examination of Sub-Area C1 without mentioning any visual inspection of the area riverward of the north jetty. Thus, his conclusions, which do state that he did not find significant softshell clam or ghost shrimp populations in the mudflat, and no living Piddock clams were observed, should not be applied to the area riverward of the north jetty in EMU C.

The packet of information provided by the City indicates that amendments to land-use designation can occur when the list of Rationales in Ch 16 do not satisfactorily describe the condition of the area. From the information provided, including the three aforementioned studies, there has been no evidence provided to conclusively demonstrate that the EMU C riverward of the north jetty does not meet the criteria.

2. NOAA Fisheries recommends that alternatives to rock riprap be explored if shoreline protective measures are desired in the future.

NOAA Fisheries suggests alternatives to rock riprap be considered because the installation of these hard structures along shorelines can adversely affect salmonid habitat. There may be less damaging alternatives available that can achieve the same goals of protecting personal property from severe erosion. Rock riprap is mentioned a number of times in the information packets as the choice to stabilize the eroding bank at Shelter Cove. Although the Shelter Cove shoreline is affected by strong wave energy, leading to actively eroding sand cliffs, NOAA Fisheries would like to encourage exploring alternatives to the construction of an armoring structure made solely of rock or concrete.

Structural hardening of embankments is the traditional means of protecting these structures along waterways and should be considered as a last resort in order to conserve EFH. Bioengineering structures provide an ecologically, aesthetically, and economically desirable alternative to traditional engineering solutions, such as riprap, gabions, and concrete (Gray and Sotir 1996). An alternative pathway is biotechnical stabilization, which utilizes mechanical elements or structures in combination with biological elements or plants to arrest and prevent slope failures and erosion. The most desirable method of bank protection is revegetation, however, revegetation alone can seldom stabilize banks steeper than 3:1 (horizontal:vertical) or areas of high velocity and wave action (USACE 1977).

Combining structural measures such as sloped riprap or mechanically stabilized earth walls, vegetation, and large woody material is preferable to a structural solution without vegetation (USACE 1977). From the information packets, it appears that vegetative means to stabilize the bank have not been successful thus far, therefore, perhaps combining vegetative planting into any retaining structure or revetment may be another alternative. Vegetation can be introduced by the insertion of live cuttings, a technique known as “joint planting” (Gray and Sotir, 1996). This

technique would expand on the initial effort to plant trees/shrubs. An alternative would be to construct a vegetated riprap at the toe of the slope with a vegetated mesh planting above for stabilization of the slope face.

Please see the attached information for examples of potential alternatives:

1. An example of a river bank stabilization project;
2. use of Fabriform to assist in erosion control;
3. use of vegetated gabion mattresses to assist in erosion control;
4. use of joint planting or vegetative riprap;
5. use of hedge-brush layering to assist in erosion control; and
6. riprap at toe of slope with vegetation

Thank you for the opportunity to comment on this public notice. If you have any questions, would like to discuss this issue in person, or would like more information on the references used for our alternative suggestions to riprap, please feel free to contact Ms. Bridgette Lohrman, Natural Resource Specialist, in the Oregon Coast/Lower Columbia Oregon Habitat Branch of the Oregon State Habitat Office at 503.230.5422.

Sincerely,



Michael P. Tehan  
Director, Oregon State Habitat Office  
Habitat Conservation Division

cc: Lawrence C. Evans, COE

Attachments:

1. Application Number 2. River Bank Stabilization
2. Fabriform Erosion Control System
3. Gabions and Gabion (Reno) Mattresses
4. Joint Planting or Vegetative Riprap
5. Hedge - Brush Layering
6. Riprap at Toe of Streambank with Vegetation
7. Reference for "Illustrations of Environmental Engineering Features for Planning"

## REFERENCES

- Gray, D.H., and R.B. Sotir. 1996. Biotechnical and soil bioengineering slope stabilization: A practical guide for erosion control. John Wiley & Sons, Inc. 1996.
- PFMC (Pacific Fishery Management Council). 1998a. Final environmental assessment/regulatory review for amendment 11 to the Pacific coast groundfish fishery management plan. October 1998.
- PFMC (Pacific Fishery Management Council). 1999. Amendment 14 to the Pacific Coast Salmon Plan. Appendix A: Description and Identification of Essential Fish Habitat, Adverse Impacts and Recommended Conservation Measures for Salmon. Portland, Oregon.
- Spence, B.C., G.A. Lomnický, R.M. Hughes, and R.P. Novitzki. 1996. An ecosystem approach to salmonid conservation. ManTech Environmental Research Services, Inc., Corvallis, Oregon, to National Marine Fisheries Service, Habitat Conservation Division, Portland, Oregon (Project TR-4501-96-6057)
- USACE (United States Army Corps of Engineers). 1977. Nehalem Wetlands Review: A Comprehensive Assessment of the Nehalem Bay and River (Oregon). U.S. Army Engineer District, Portland, Oregon. [Page count unknown].

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE CITY COUNCIL OF THE CITY OF FLORENCE, OREGON, AT 7:00 PM ON MAY 17, 2004, IN THE COUNCIL CHAMBERS OF THE CITY HALL, 250 HIGHWAY 101, IN THE CITY OF FLORENCE, LANE COUNTY, OREGON, TO HEAR AND CONSIDER THE MATTER OF:


**PROPOSED AMENDMENT TO CHAPTERS II & III OF THE LANE COUNTY RURAL COMPREHENSIVE PLAN - COASTAL RESOURCES MANAGEMENT PLAN AND CORRESPONDING AMENDMENT TO CHAPTER 16 OF THE FLORENCE COMPREHENSIVE PLAN**

AMENDING TO REVISE THE DESIGNATION OF A PORTION OF ESTUARINE MANAGEMENT UNIT C THAT IS BETWEEN THE INNER NORTH JETTY AND THE SHORELAND FROM "NATURAL" TO "CONSERVATION" AND THE DESIGNATION OF SHORELAND MANAGEMENT UNIT 1 WITHIN CITY LIMITS FROM 'NATURAL RESOURCE CONSERVATION' TO 'RESIDENTIAL DEVELOPMENT'. THESE MANAGEMENT UNIT CLASSIFICATIONS DICTATE THE PERMISSIBLE USES ADJACENT TO THE SHELTER COVE SUBDIVISION. APPLICABLE CRITERIA ARE CHAPTER 16 OF THE FLORENCE COMPREHENSIVE PLAN 2000/2020, CHAPTER 19 OF THE FLORENCE CITY CODE, AND THE LANE COUNTY RURAL COMPREHENSIVE PLAN - COASTAL RESOURCES MANAGEMENT PLAN.

A COPY OF THE STAFF REPORT WILL BE AVAILABLE FOR INSPECTION AT NO COST AT LEAST 7 DAYS PRIOR TO THE HEARING, AND A COPY CAN BE PROVIDED AT REASONABLE COST UPON REQUEST. FAILURE OF AN ISSUE TO BE RAISED IN THE HEARING, EITHER IN PERSON OR BY LETTER, OR FAILURE TO PROVIDE STATEMENTS OR EVIDENCE SUFFICIENT TO AFFORD THE DECISION-MAKERS AN OPPORTUNITY TO RESPOND TO AN ISSUE PRECLUDES APPEAL ON THAT ISSUE.

WRITTEN TESTIMONY AND EVIDENCE MUST BE DIRECTED TOWARD THE CRITERIA DESCRIBED ABOVE OR OTHER CRITERIA IN THE PLAN OR LAND USE REGULATION WHICH IS BELIEVED TO APPLY TO THAT DECISION, AND MUST BE SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT, FLORENCE CITY HALL, 250 HIGHWAY 101, FLORENCE, OREGON 97439, PHONE 997-8237, NO LATER THAN MAY 17, 2004.

THE MEETING ROOM IS WHEELCHAIR ACCESSIBLE. PERSONS NEEDING SPECIAL ACCOMODATIONS SHOULD CALL BARBARA MILLER AT 541-997-3437 AT LEAST 48 HOURS PRIOR TO THE HEARING. STAFF CONTACT IS KATE BODANE AT 541-997-8237.

  
Denice Ambrosio, Planning Technician



TRANSACTION REPORT  
FRI/APR/23/2004 13:10

FAX (TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
01	APR/23	13:09	Siuslaw News	0:00:48	2	OK	G3 1147

## NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT PUBLIC HEARINGS WILL BE HELD BY THE CITY COUNCIL OF THE CITY OF FLORENCE, OREGON, AT 7:00 PM ON MAY 17, 2004, IN THE COUNCIL CHAMBERS OF THE CITY HALL, 250 HIGHWAY 101, IN THE CITY OF FLORENCE, LANE COUNTY, OREGON, TO HEAR AND CONSIDER THE MATTER OF:

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**PROPOSED AMENDMENT TO THE SIUSLAW RIVER DREDGED MATERIAL DISPOSAL PLAN**

AMENDING TO ELIMINATE DISPOSAL SITES #15 AND #16 FROM THE PLAN AS USABLE SITES. THE SITES ARE AT THE LOCATION OF THE WASTEWATER TREATMENT PLANT AND THE BAY BRIDGE CONDOMINIUMS. APPLICABLE CRITERIA ARE CHAPTER 16 OF THE FLORENCE COMPREHENSIVE PLAN 2000/2020 AND THE SIUSLAW RIVER DREDGED MATERIAL DISPOSAL PLAN.

COPIES OF THE STAFF REPORTS WILL BE AVAILABLE FOR INSPECTION AT NO COST AT LEAST 7 DAYS PRIOR TO THE HEARING, AND A COPY CAN BE PROVIDED AT REASONABLE COST UPON REQUEST. FAILURE OF AN ISSUE TO BE RAISED IN THE HEARING, EITHER IN PERSON OR BY LETTER, OR FAILURE TO PROVIDE STATEMENTS OR EVIDENCE SUFFICIENT TO AFFORD THE DECISION-MAKERS AN OPPORTUNITY TO RESPOND TO AN ISSUE PRECLUDES APPEAL ON THAT ISSUE.

# MEMO

To: Ron  
From: Kate  
Date: April 15, 2004  
Subject: Labels

*Please create mailing labels for landowner notification of Res 04-02-10-5 (Shelter Cove Estuarine & Shoreland Management Unit review):*

X **MR 18-12-16-11**  
all properties that fall within a 300ft radius of lots 100, 200, 300, 400, 500, 600, 700, 800, 900, 2200 and lots 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100,

X **MR 18-12-16-14**  
lots 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800

X **MR 18-12-16-41**  
lots 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000

X **MR 18-12-15-22**  
all properties that fall within a 300ft radius of lots 5901, 5902, 5903, 5904, 5905, 5906, 5909, 5910 and lots 5907, 5908

X **MR 18-12-15-23**  
lots 201, 202, 203, 204, 205, 206, 400, 500, 600, 700, 800, 900, 1200, 1300 and all properties that fall within a 300ft radius of lots 207, 208, 209, 210, 211, 212, 213, 214, 300, 1000, 1100

X **MR 18-12-15-32**  
lots 100, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1500, 1600, 1700, 1800, 1900, 2000, 2500, 2800, 2902, 3003 and all properties that fall within a 300ft radius of lots 200, 300, 1400, 2100, 2200, 2300, 2400, 2600, 2700, 2901, 2903, 3001, 3002  
2500, 3000, 3002, 3007

X **MR 18-12-15-33**  
lots 200, 300, 400, 500, 600, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 3500, 3600, 3700 and all properties that fall within a 300ft radius of lots 800, 900, 1000, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500

X **MR 18-12-22-22**  
lot 100 and all properties that fall within a 300ft radius of lots 200, 301, 302, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500

## ORDINANCE NO. 6, SERIES 2004

**AN ORDINANCE AMENDING THE LANE COUNTY RURAL  
COMPREHENSIVE PLAN- COASTAL RESOURCES MANAGEMENT PLAN  
AND THE FLORENCE COMPREHENSIVE PLAN 2000/2020**

**WHEREAS**, application was made by the City of Florence to amend Shoreland and Estuarine Management Unit designations in the Lane County Rural Comprehensive Plan- Coastal Resources Management Plan and,

**WHEREAS**, the Florence Comprehensive Plan 2000/2020 states the intention of the City to consider Management Unit revision as part of periodic review and,

**WHEREAS**, a recommendation to amend the Coastal Resources Management Plan and the Florence Comprehensive Plan 2000/2020 was made by the Planning Commission in resolution 04-02-10-05 and,

**WHEREAS**, following the Public Hearing of the City Council on May 17, 2004, the City Council has determined that adoption of the proposed revisions is in the public's best interest; now therefore,

**THE CITY OF FLORENCE ORDAINS AS FOLLOWS:**

Amendments to the Lane County Rural Comprehensive Plan-Coastal Resources Management Plan, attached hereto as exhibits "A" and "B", and amendment to the Florence Comprehensive Plan 2000/2020, attached hereto as exhibit "C", is hereby adopted.

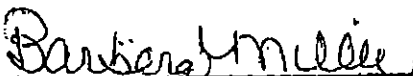
**PASSED BY THE FLORENCE CITY COUNCIL** this 17<sup>th</sup> day of May, 2004.

**AYES:** *Councilors Brady Brubaker Burch Mayor Burns*  
**NAYES:**  
**ABSTAIN:** *Councilor Osborn*  
**ABSENT:**

**APPROVED BY THE MAYOR** this 17<sup>th</sup> day of May, 2004.

  
 Alan Burns, Mayor

**ATTEST:**

  
 Barbara Miller, City Recorder

Ordinance No. 6, Series 2004  
 Exhibit A  
 Amended text in italics

Lane County Rural Comprehensive Plan  
 Coastal Resources Management Plan

Chapter II- Goal 16 Estuarine Resources

DESIGNATION OF ESTUARINE MANAGEMENT UNITS

C. Natural

1. Extent: Specifically indicated on estuary map #1 in the appendix. Generally-north side of the river from river mile 1.2 to Cannery Hill *excluding the area that falls between the inner north jetty and the shoreland.*
2. Rationale:
  - a) Fish rearing (particularly fall Chinook juveniles) and spawning;
  - b) Seal haulout at upriver portion;
  - c) Clam beds with species found only at this salinity level (i.e. paddock, gaper, cockle, and littleneck) ~~predominantly outside of jetty~~

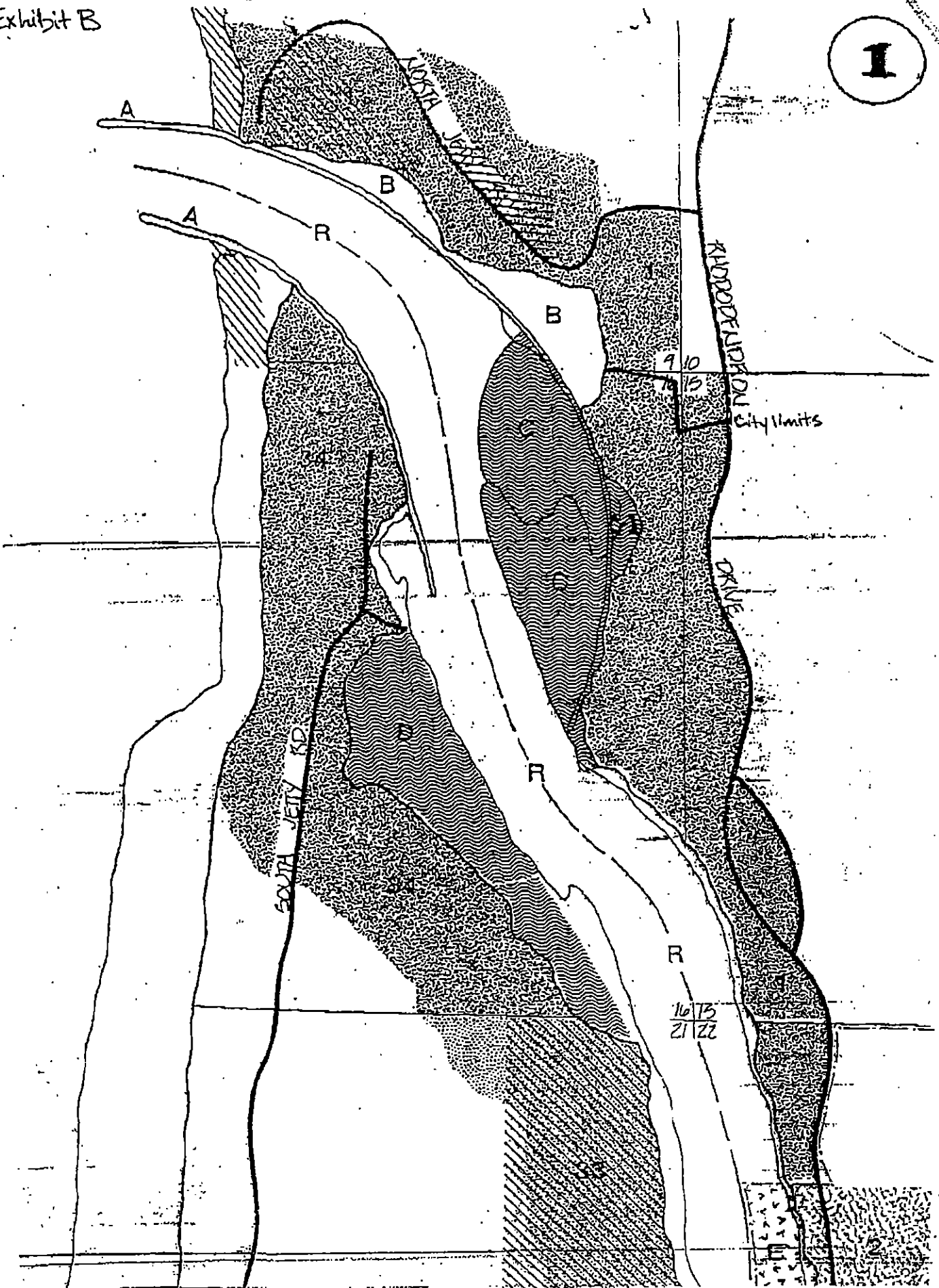
C-1. Conservation

1. Extent: *Portion of the estuary between the inner north jetty and the shoreland. Specifically indicated on estuary map #1 in the appendix.*
2. Rationale:
  - a) *Unstable substrate conditions*
  - b) *Low abundance of benthic macroinvertebrate organisms*
  - c) *Adjacent to biologically productive portion of estuary*
3. Discussion: *Significant erosion of the adjacent bank has accelerated deposition of sand in this portion of the estuary, covering the siltstone outcropping with a thick layer of sand. This change in ecological conditions has resulted in relatively poor biological habitat and nominal levels of unique biota. The sensitivity of the more productive adjacent estuary is buffered by the moderate designation of this estuary management unit.*

Ordinance No. 6 Series 2004

Exhibit B

**I**



DESIGNATION OF SHORELAND MANAGEMENT UNITS:

Estuarine Shorelands:

(1) Residential Development:

A. Extent: *West of Rhododendron drive, from the Florence City limits south to the northern boundary of Management Unit 2.*

B. Rationale:

*1. Established residential development*

C. Discussion: *This area has been incorporated into the Florence City limits and has undergone a pattern of extensive residential development. The underlying zoning is single family residential and restricted residential.*

Ordinance No. 6, Series 2004  
Exhibit C  
Amended text

Florence Comprehensive Plan 2000/2020  
Chapter 16 Estuarine Resources  
Siuslaw Estuary and Shorelands  
Pg 198

~~One of these developments, Shelter Cove, requested the City to include a revision of the estuary management unit abutting this development from Natural Management Unit to Conservation Management Unit to allow bank stabilization to occur.~~

~~Documentation of the disappearance of the conditions upon which the Natural designation was based is included in Appendix 16, titled An Evaluation of Effects of Severe Bank Erosion in the Benthic Macroinvertebrate Community and General Habitat Conditions near Shelter Cove, Siuslaw River Estuary and Shelter Cove Subdivision-  
Historic Erosion report, Lower Siuslaw Estuary.~~

~~Any modification to the Lane County Coastal Management Plan is subject to approval by DLCD Coastal Management technical staff and Lane County. Since this revision is included in periodic review, those requirements also apply.~~

~~Subject to an affirmative determination by the State Coastal Lane Management staff, the requested revision from Natural Management Unit to Conservation Management Unit is included in the Florence 2000/2020 Comprehensive Plan.~~

SHELTER COVE SUBDIVISION - HISTORIC EROSION REPORT

LOWER Siuslaw ESTUARY

FLORENCE, OREGON



PREPARED BY WILBUR E. TERNYIK  
WETLAND, BEACHES & DUNES CONSULTANT  
P.O. BOX 1190  
FLORENCE, OREGON 97439

NOVEMBER 2001



## INTRODUCTION

This riverfront erosion report was prepared at the request of James Hurst, the developer and owner of Shelter Cove real estate subdivision in Florence, Oregon. The purpose of the report is to provide a photo record of the ongoing and historic erosion in what is designated as the north area (Exhibit 1).

The photo record section coupled with the lower estuary biological study gives vivid illustrations of the ever increasing bank erosion and the danger it poses to the lower estuary natural values. In addition the very near future threat to homes and lives of those living north to this area of the subdivision. Both reports will be submitted to the City of Florence for their consideration as they update the City of Florence Comprehensive Land Use Plan for submittal to the Land Conservation & Development Commission (LCDC). Factual written and photographic documentation as justification for the need to change the zoning between the deteriorated jetty to the Shelter Cove bank from Natural to Conservation. This change would make the near-shore zoning consistent with both upstream and downstream adjoining riverfront areas.

Following the photographic section is a section covering historical written materials by both the owner, James Hurst, his consultant Wilbur Ternyik, Lane County, City of Florence and the Corps of Engineers (COE). The most important of which is the Corps of Engineers report of January 9, 1990. This report was in response to a request for a Section 111 Study to determine possible COE funding. Both Lane County and the City of

Florence offered to act as the required local government sponsors. There would be no cost to the sponsor.

Please note that this study report not only documents past rate of erosion and acres of land lost, but also estimates increased erosion rates and their future threats to home, life, and city infrastructures to the east. The same report as does others ask for a complete biological study of the lower estuary both inside and outside of the deteriorated jetty. The purpose being to establish the impact of the continued Shelter Cove erosion sand on the lower estuary natural values. Until this year no such comprehensive study documenting the impacts of the massive erosion sedimentation had been conducted. Mr. Hurst engaged Ellis Ecological Service to conduct the requested biological investigation report (a copy has been submittal).

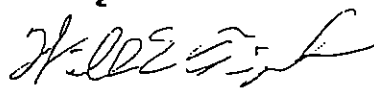
By comparing the Ellis report with the COE predictions, borne out by the past ~~ten years~~ of erosion, there is clear proof that significant loss of ~~natural~~ wildlife values occurs <sup>nearly</sup> every <sup>year</sup> ~~year~~ that the erosion problem is not corrected. It is important to note <sup>that</sup> the COE report decision not to move forward with a Section 111 project was due to a deficit cost-benefit ratio. This determination was based on a very low ~~land~~ value estimate before development of the subdivision and addition of homes. - +

Finally, we ask you to review two exhibits. The first exhibit, COE aerial map dated 1969 (Exhibit 2). Note the Authorized shipping channel location. Then look at photos #2 and #4 that shows the locations of the COE rock groins constructed on the west side of the river upstream and across from the Shelter Cove north erosion area. These groins direct

the full force of the river and out going tide directly into the Shelter Cove shoreline area (North erosion area). The second review report (Exhibit 3) is from Lane County Public Works titled, "Lane County Rural Comprehensive Plan - Coastal Resources Management Plan." Page 1 illustrates mapping designation of the various elements present and zoning of various areas. Please note that the embayment below Shelter Cove has a B zoning of Conservation. In addition, the area upstream from Cannery Hill is also zoned Conservation. Our request is that the very small area to the east of the deteriorated jetty outlined in red be rezoned to Conservation, so that protective measures can be undertaken to afford permanent stoppage of the erosion problem and further estuarine natural values destruction.

We ask for serious consideration of this request be adopted into the current City of Florence Comprehensive Land Use Update. The COE made it plain that they would reconsider the Section 111 Project possibility if and when a complete lower estuary biological study was submitted and property values changed. The change of zoning will enable the process to move forward. Waiting five more years to the next update will result in five more years of massive erosion and lower estuary damage and not to mention channel-dredging costs.

Should there be any further information needed, please, contact me at (541)997-2401 or by fax (541)997-6069.



Wilbur E. Ternyik  
Wetland, Beaches/Dunes Consultant

EXHIBIT I

SHELTER COVE SUBDIVISION - HISTORIC EROSION REPORT

PHOTO SECTION



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT CORPS OF ENGINEERS  
P. O. BOX 7946  
PORTLAND, OREGON 97208-2946

Reply to  
Attention of:

January 9, 1990

Planning Division

Ms. Danielle Mathews  
4760 Delight Street North  
Salem, Oregon 97303

Dear Ms. Mathews:

We have completed our reconnaissance study of erosion on the Stender, Faville and Thompson property located on the right (north) bank of Siuslaw River near its confluence with the Pacific Ocean. The study was made in response to a January 17, 1989, letter from Lane County Commissioner Dumdi.

We have enclosed a copy of our reconnaissance study report for you as promised. ~~We have determined that work at the site is not economically justified, that is, the cost of an erosion protection project exceeds the value of damages it would prevent.~~ Accordingly, we cannot provide erosion protection at this time.

We hope that you find this information to be useful. Please contact Dick Gamble at (503) 326-6476, if you have any questions regarding this matter.

Sincerely,

*Eugene D. Pospisil*  
Eugene D. Pospisil, P.E.  
Chief, Coastal and Flood Plain  
Management Branch

Enclosure

Siuslaw River, Lane County  
Section 111  
Initial Appraisal

Introduction

The Siuslaw River flows into the Pacific Ocean near Heceta Beach on the Oregon Coast. Erosion on the east bank of the Siuslaw River is occurring at a rate of about 5 feet a year over a 1,600 foot area. The North Jetty, a Federal project, located at the mouth of the Siuslaw River is believed to aggravate the erosion problem. Bank protection work along the effected area is proposed to eliminate the erosion. The purpose of this report is to determine if bank protection is justified based on National Economic Development (NED) benefits.

Study Area

The Siuslaw River flows through Lane County and empties into the Pacific Ocean close to the City of Florence, Oregon. The point of erosion is approximately 1 mile upstream from the mouth of the Siuslaw River in a rural area on the east bank. The affected property is bordered on the west by the Siuslaw River and on the east by Rhododendron Drive (see figure 1). Rhododendron Drive runs parallel to the Siuslaw River from Heceta Beach to Florence. The erosion problem is complicated by a soft, powdery sand bank at the erosion site which deteriorates rapidly.

The property in danger, an estimated 35.15 acres, is owned by an undivided interest of three individuals. The erodible land has no improvements, but residential development is planned. Lots are currently being marked and measured for homesites. The land is currently forest land but has been zoned for residential development.

### Existing Project Description

The existing Federal project, completed in 1930 consists of two rubblemound, high tide jetties at the channel entrance. The North jetty is about 9,790 feet long and the South jetty is about 6,700 feet long. This includes extensions of 2000 feet to the North Jetty, and 2,500 feet to the South Jetty in 1985. The South jetty was rehabilitation in 1962, and 1,700 feet of the outer North jetty was rehabilitated in 1957-58. The inner North jetty enters the river channel and runs inside the banks past the current point of erosion to approximately R.M. 1.7. Over the years, the inner North Jetty has deteriorated and currently provides little protection to the erosion site.

### History of the Problem

Erosion of land at the mouth of the Siuslaw River has occurred for approximately 50 years. In 1977, an emergency bank protection project was implemented to prevent the wash out of Rhododendron Drive. This erosion problem occurred just upstream of the current erosion site. Wind generated waves are primarily responsible for the bank erosion problem. The curve which puts the river in a north south alignment subjects the east bank to full force southerly storms. Severe southerly storms with their accompanying winds have sufficient river reach to generate 3 to 4 foot wind waves and direct these waves to impact on the eroded area.

Erosion was first noted in the years 1939 - 1957. During this period, a total of .4 acres were lost as erosion averaged close to a foot a year. The erosion rate increased to 1.3 feet a year from 1957 - 1963 and .3 acres were lost. During the years 1963 - 1972, 2.16 acres were lost as erosion peaked at 5.8 feet per year. From 1972 - 1985, 2.94 acres were lost as erosion slowed to a rate of 5.5 feet per year. Most recently from 1985 - 1988, .6 acres were lost as erosion occurred at a rate of 4.7 feet per year.

Without Project Condition.

In the without project condition, continued erosion is expected to occur at a rate of 5 feet a year. As time passes, the total amount of land that erodes will increase. Over the next ten years from 1989 to 1999, it is projected that 1.8 acres will be lost to erosion. For the years 1999 to 2009, it is estimated that 1.9 acres will erode. For each ten year period from 2009 to 2029, it is estimated that 2.2 acres will be lost to erosion. From 2029 to 2039, it is projected that the erosion rate will increase to 2.6 acres. An average of 2.14 acres will erode during each 10 year period for a total of 10.7 acres during the next 50 years.

The land is valued at \$186,810 for 35.15 acres (or \$5,315 an acre) by the Lane County Assessor's office. Under the existing conditions, no improvements are subject to danger. However, the continued erosion will prevent development near the unstable bank. A current assessor's map has been enclosed for reference.

With Project Condition.

In the with project condition, bank erosion would be prevented by riprap revetment protection. The revetment would be constructed with a 5.0 foot thick, 10 foot wide apron at its base. The revetment would consist of a 30 inch thick layer of Class IV riprap underlain with a 12" thick layer of 6" minus rock, which is in turn underlain with filter fabric suitable for retention of sand sized particles. The riprap would be reasonably graded between 50 and 1,600 pounds to the piece with 75% of the stone between 400 and 1,600 pounds to the piece and 30% of the stone at least 800 pounds. The cost of the project is estimated at \$680,000. Once the bank has stabilized, development of residential homes could begin closer to the bank. Over the past 50 years, the bank has eroded at an average rate of 3.2 feet annually.



The estimated cost of work required to prevent further erosion at the area of concern is itemized as follows:

Clearing		\$ 10,000
Excavation	8,300 cy @ \$6	50,000
Gravel Bedding	3,300 cy @ \$20	66,000
Riprap Class IV	11,600 cy @ \$25	290,000
Filter Fabric	10,200 cy @ \$2.50	26,000
Contingencies	(25%)	110,000
<u>Estimated Construction Cost:</u>		<u>\$552,000</u>

Engineering and Design	\$80,000
Supervision and Design	\$38,000
Lands, Easements, and Right-of-Way	<u>\$10,000</u>
Total Project Cost	\$680,000

Annual Costs The estimated annual cost of the proposed work is itemized as follows:

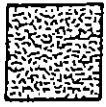
Interest and Amortization (50-yr life, 8-7/8% interest)	\$61,220
Operation and Maintenance	<u>\$ 4,780</u>
Total	\$ 66,000

#### Benefit Analysis

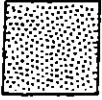
Benefits attributable to the proposed project are quantified by the value of the land that will be prevented from eroding with the project in place. The benefits and costs of the project have been analyzed at an 8-7/8 interest rate for a 50 year project life. Using the average assessed value of \$5,315 an acre and the projected erosion rates, average annual benefits are estimated at \$1,000. The estimated annual costs of bank protection are \$66,000. The benefit to cost ratio is therefore .01 to 1.

# MANAGEMENT UNITS

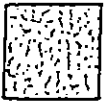
## SHORELANDS



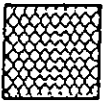
NATURAL RESOURCE CONSERVATION



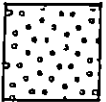
SIGNIFICANT NATURAL AREA



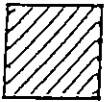
MIXED DEVELOPMENT



PRIME WILDLIFE AREA



RESIDENTIAL DEVELOPMENT



DREDGED MATERIAL DISPOSAL SITE

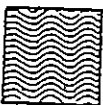
## ESTUARY



DEVELOPMENT



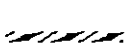
CONSERVATION



NATURAL

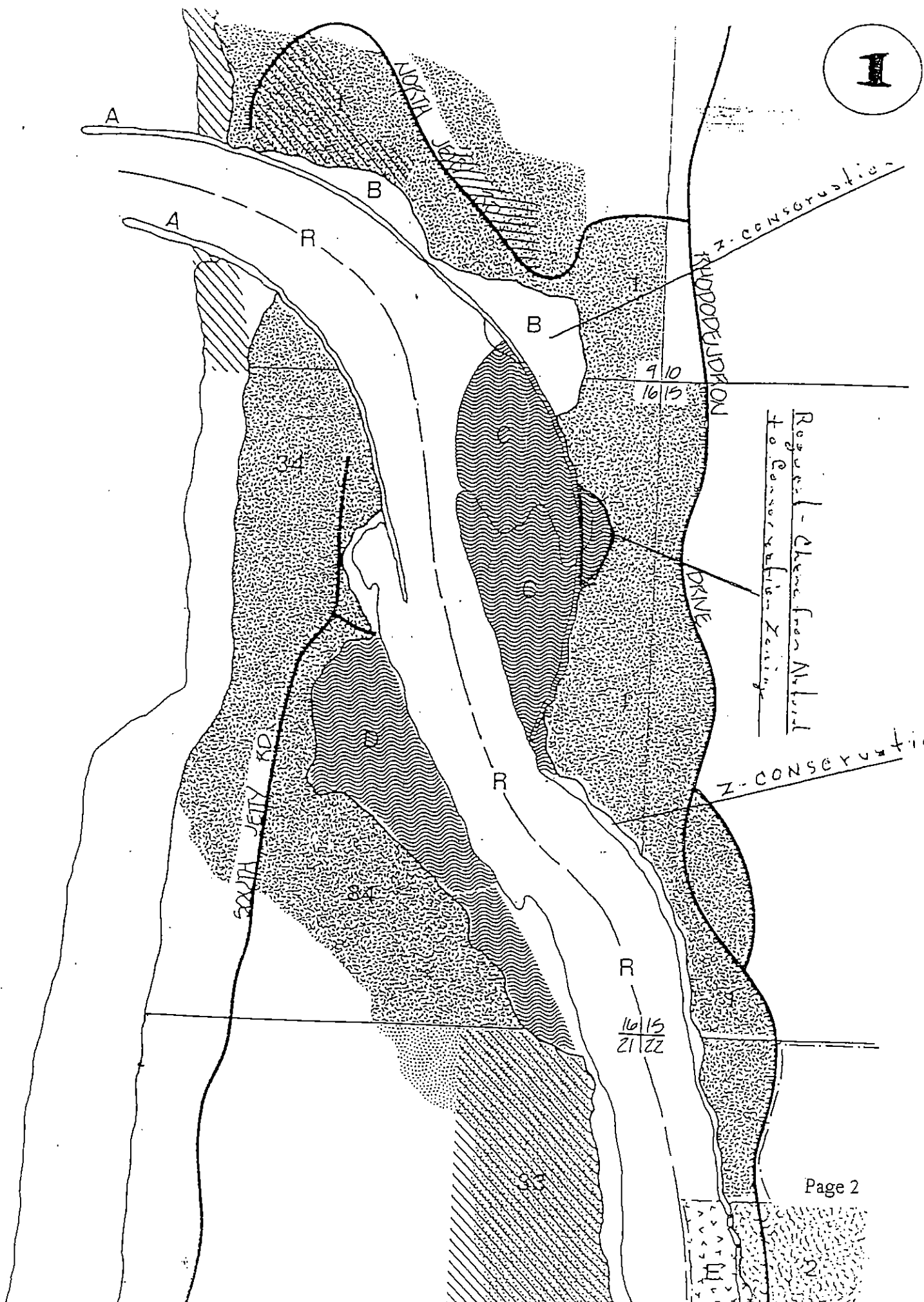


DIKED HIGH SALT



MITIGATION SITE

I



Clearing	\$ 10,000
Excavation 8,300 cy @ \$6	50,000
Gravel Bedding 3,300 cy @ \$20	66,000
Riprap Class IV 11,600 cy @ \$25	290,000
Filter Fabric 10,200 sy @ \$2.50	26,000
Contingencies (25%)	<u>110,000</u>

Estimated Construction Cost \$552,000

Engineering and Design	\$80,000
Supervision and Administration (7%)	38,000
Lands, Easements, and Right-of-Way	<u>10,000</u>
Total Project Cost	\$680,000

13. Annual Costs. - The estimated annual cost of the proposed work is itemized as follows:

Interest and Amortization (50-yr life, 8-7/8% interest)	\$61,220
Operation and Maintenance	<u>\$4,780</u>
Total	\$66,000

14. Benefits-Cost Analysis. Justification for the protective work is determined by comparing the average annual costs of the proposed project with the average annual benefits. Average annual costs and average annual benefits are derived with an 8 7/8 percent interest rate and 50-year project life. Enclosure 5 is the economic study for the protective work.

15. In the without project condition, continued erosion is expected to occur at a rate of 5 feet per year. An average of 2.14 acres will erode every 10 years which amounts to a total of 10.7 acres of land lost during the next 50 years. ~~The land is valued at \$5,315 an acre. No improvements are threatened. However, continued erosion will prevent development of the land which has been zoned for residential development.~~

16. In the with project condition, bank erosion would be prevented by riprap revetment protection. Land loss would cease and residential development could occur.

17. Benefits attributable to the proposed project would be the value of the land that would be lost to erosion if no protection is provided. ~~Using the average assessed value of \$5,315 an acre and the projected erosion rates, average annual benefits are estimated at \$1,000.~~

~~18. With an annual benefit of \$1,000 and an annual cost of \$66,000, the erosion protective work has a benefit to cost ratio of 0.01 to 1.~~

19. Local Cooperation. Lane County has indicated willingness to sponsor erosion protective work at the site.

The downstream concave bank segment is approximately 1,200 feet in length while the upstream concave bank segment is approximately 600 feet in length. ~~Approximately 6 acres of land was lost to erosion at the site between 1957 and 1988.~~ The approximate bank recession rate at the apex of the downstream area has historically been as follows:

<u>Period</u> (year)	<u>Recession</u> (feet)	<u>Average Recession Rate</u> (feet per year)
1939 - 1957	10	0.6
1957 - 1963	8	1.3
1963 - 1972	52	5.8
1972 - 1985	72	5.5
1985 - 1988	14	4.7
1957 - 1988	146	4.7

9. The rate of bank recession is expected to remain constant at approximately 5 feet per year.

10. Possible Solution. A possible solution to the erosion problem at the area would be to provide riprap revetment protection. The cost of such protection is competitive with other forms of structural protection such as breakwaters, seawalls, and groin systems and is considered to be the most reliable method of erosion protection. Other low cost erosion protection techniques were considered but were rejected owing to a lack of reliability.

11. Proposed Work. The economic feasibility of protecting the site was examined by scoping the cost of a riprap revetment. A wave of 3 feet was established for revetment design based on comparison of similar locations along the coast. A still water elevation of 10.5 feet was used which represents a highest tide. Wave run-up was determined to be 7 feet. A typical section was developed by matching observed ground conditions to the April 4, 1989, 1035 hrs high tide condition of 6.8 feet MLLW. A revetment top elevation of 17.5 feet MLLW was established by adding 7 feet run-up to the design still water elevation. The base of the revetment was established at 0 feet MLLW based on anticipated scour. The revetment would be constructed with a 5.0 foot thick, 10 foot wide apron at its base. The revetment would consist of a 30 inch thick layer of Class IV riprap underlain with a 12" thick layer of 6" minus rock, which is in turn underlain with filter fabric suitable for retention of sand sized particles. The riprap would be reasonably graded between 50 and 1,600 pounds to the piece with 75% of the stone between 400 and 1,600 pounds to the piece and 30% of the stone at least 800 pounds. Enclosure 4 is a typical section of the revetment.

12. Estimated Project Cost. The estimated cost of work required to prevent further erosion at the area of concern is itemized as follows:

MEMORANDUM FOR: Commander, North Pacific Division, CENPD-PL

SUBJECT: Siuslaw River Entrance; Investigation of Bank Erosion Adjacent to North Jetty (Section 111 of the 1968 Rivers and Harbors Act)

1. Authority. Erosion is occurring adjacent to the north jetty at Siuslaw River Entrance. This report was prepared in response to a request from Lane County. The purpose of this report is to address whether a Federal interest in an erosion protective project exists. Work is being considered under authority of Section 111 of the 1968 Rivers and Harbors Act which allows for prevention or mitigation of shore damages attributable to Federal navigation works. The site of the erosion problem area is shown on enclosure 1.

2. Description of the Area. The mouth of Siuslaw River is located about 160 miles south of the Columbia River entrance. The area is mostly rural, the main population centers being Florence, located about 5 river miles from the entrance and Mapleton, about 20 river miles from the entrance. Glenada is across the river, south of Florence. Siuslaw River is, for the majority of its 109-mile length, a mountain stream which rises in the Coast Range. The lower 26 miles of the river is tidal, providing 2,245 acres of water surface at mean high tide. The drainage basin covers 773 square miles. The river flows westerly to Florence then turns abruptly north and then west to empty into the Pacific Ocean. Downstream of Florence, an area of sand dunes forms the south bank of the river and separates it from the ocean, while the north bank is a wooded highland. Only a short stretch of beach is found to the north of the river entrance. In contrast, a 60-mile long beach extends to the south. The area around the river entrance is noteworthy for the extensive dune fields, both stable and active. Most of the active dunes are located on the south bank of the river. Stable, well vegetated dunes line the north bank of Siuslaw River between Florence and the ocean although these dune bluffs are subject to erosion by waves and currents along their riverward faces.

3. The following tabulation presents tide levels at the entrance of Siuslaw River. Prolonged onshore winds and/or low barometric pressure can produce higher tide levels than predicted while offshore winds and/or high barometric pressure can result in lower levels.

<u>Tide</u>	<u>Elevation</u> <u>(feet MLLW)</u>	<u>Elevation</u> <u>(feet NGVD)</u>
Highest tide (estimated)	10.5	7.4
Mean higher high water	7.3	4.2
Mean high water	6.7	3.6
Mean tide level	4.0	0.9
Mean low water	1.2	-1.9
Mean lower low water	0.0	-3.1
Lowest tide (estimated)	-3	-6.1

4. The 100-year flood level at the site is 10 feet NGVD (13.1 feet MLLW). This level is obtained through a combination of freshet backed up by stand-up high tides with wave action superimposed.

5. Existing Project. The Siuslaw River and Bar, Oregon, Federal navigation project provides for an entrance channel 18 feet deep and 300 feet wide from deep water in the ocean gradually diminishing to an inner channel 16 feet deep and 200 feet wide from about river mile 1 to river mile 5 near Florence; a turning basin 16 feet deep, 400 feet wide, and 600 feet long opposite Siuslaw dock at Florence; a channel 12 feet deep and 150 feet wide to river 16.5, and a turning basin 12 feet deep, 300 feet wide, and 500 feet long at river mile 15.8. The entrance is secured by dredging and two stone high tide jetties, the north jetty, approximately 9,690 feet and the south, approximately 6,500 feet in length. These lengths include extensions of the north and south jetties of approximately 1,900 and 2,300 feet respectively, that were completed in 1985. A 400-foot-long spur jetty was established on each extension to prevent longshore currents from transporting material around the heads of the jetties. Approximately 3,100 feet of the north jetty and 3,800 feet of the south jetty project out into the ocean. This leaves 6,590 feet of "inner" north jetty and 2,700 feet of "inner" south jetty.

6. Description of Erosion. Original construction of the jetties was completed in 1917 and dredging of the channel was finished in 1929. The erosion area of concern is located along the right bank of the channel behind the very upstream portion of the "inner" north jetty. The bankline at the site is a dune bluff approximately 80 feet in height. The ground landward of the edge of the bank is heavily vegetated and is presently in an undeveloped state. The exposed bank face is subject to erosion from river currents and wave action. Enclosure 2 contains a photograph of the site. The portion of the "inner" jetty adjacent to the eroding bankline affords some protection against current and wave action but the level of protection provided by that structure has reduced over time as the structure deteriorates. The jetty structure is deteriorating as a result of the downward component of wave energy absorbed by the structure over the years. The top elevation of the structure lowers as it deteriorates allowing the nearby bankline to be subject to increase wave and current attack. Maintenance of the inner portion of the jetty is not considered necessary because the adjacent land form has helped confine the channel to a stable location.

7. The Federal navigation project contributes to erosion at the site by keeping the channel confined to a location where it is constantly interfacing with the eroding bankline. Without the stable channel entrance provided by the navigation project, the river would be able to migrate away from the eroding right bank.

8. Bank recession due to erosion has been occurring since before 1957 as evidenced by aerial photographs of the site. The bank is receding to form two concave segments separated by an apparent hard point (See enclosure 3).



FLORENCE PLANNING COMMISSION  
RESOLUTION NO. 91-3-26-16

IN THE MATTER OF TENTATIVE SUBDIVISION APPROVAL FOR SHELTER COVE A  
116 UNIT RESIDENTIAL SUBDIVISION ON 66 ACRES

WHEREAS, application was made by James Hurst to construct a  
116 unit residential subdivision at Map 18-12-16 TL 100 and Map 18-  
12-15 TL 400 (part) 500 and part of 600 on 66 acres in the  
Restricted Residential District, and

WHEREAS, such application requires review by the City of  
Florence Planning Commission, City Code Section 10-10-3 to 10-10-5,  
10-7-3, 11-3-2, 11-3-4, and 11-5-1, and

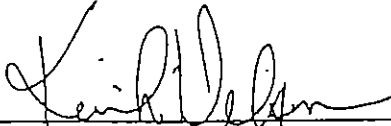
WHEREAS, the Planning Commission met in public hearing on  
March 26, 1991 to consider the application and after consideration  
of evidence in the record and testimony presented determined that  
preliminary approval of the request should be granted,

THE PLANNING COMMISSION, finds based on the attached Findings  
of Fact and staff recommendation that granting this approval shall  
be with the following conditions:

1. *Engineered plans for all underground utilities, streets,  
and other public improvements, including sidewalks,  
street lighting, street name signs, and erosion measures  
for cut banks to be reviewed and approved by staff.*
2. *If any areas are to be graded, a plan showing the extent  
of cut or fill and type of erosion control planned to be  
approved by staff before commencing work.*
3. *Due to the erosion along the river bank, and the adjacent  
Natural Estuary designation, a report by qualified  
persons on the type of erosion control needed and any  
impact on the biological habitat of the estuary, to be  
reviewed and approved by staff before commencing work.*

NOW, THEREFORE, BE IT RESOLVED, that the proposal is approved  
and that the Findings of Fact attached as Exhibit "A" are hereby  
incorporated by reference and adopted in support of this decision.

PASSED BY THE FLORENCE PLANNING COMMISSION, this 26th day of  
MARCH, 1991.

  
\_\_\_\_\_  
Keith Nelson, CHAIRMAN  
FLORENCE PLANNING COMMISSION