

W. S. C.

AGENDA COVER MEMO

DATE: January 21, 2006 (Date of Memo)
February 8, 2006 (Date of First Reading)
February 22, 2006 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

FROM: Stephanie Schulz / Long Range Planner / Land Management Division

TITLE: ORDINANCE NO. PA 1229; IN THE MATTER OF AMENDING THE LANE COUNTY COASTAL RESOURCES MANAGEMENT PLAN CHAPTER II-ESTUARINE RESOURCES TEXT AND DIAGRAM FOR TEN ACRES OF ESTUARY MANAGEMENT UNIT (MU) 'C' IDENTIFIED AS 'SUB-AREA C-1' FROM 'NATURAL' TO 'CONSERVATION' AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE NO. PA 05-5506, City of Florence & Shelter Cove Homeowners Association)

I. MOTION

- 1. **For February 8, 2006:** I move approval of the first reading and setting the second reading and public hearing on Ordinance No. 1229 for February 22, 2006 at 1:30 p. m.
- 2. **For February 22, 2006:** I move approval of Ordinance No. 1229.

II ISSUE OR PROBLEM

Should the Board co-adopt an amendment to the Lane County Coastal Resources Management Plan (CRMP) Chapter II-Estuarine Resources to redesignate ten acres of Estuarine Management Unit C (Sub-area C-1), from 'Natural' to 'Conservation' on the Plan Diagram and co-adopt accompanying CRMP text amendments for Sub-area C-1?

The City and Shelter Cove Homeowners Association propose changing the Plan Designation to facilitate application for a conditional use permit to develop and implement erosion control measures that are currently not allowed in the MU designation of 'Natural'. The erosion rate of the Shelter Cove bluff is reported at 5 feet per year, with an estimated 20,000 cubic yards of sand annually washing into the Siuslaw River estuary from this cove.

III. DISCUSSION

A. Site Characteristics and Background

This proposed amendment applies to a 10 acre cove in Estuary Management Unit C, the tideland on the north bank of the Siuslaw River, behind the north jetty to the base of the bluff below Shelter Cove subdivision. The shoreline bluff is 65-85 ft. high, and is undergoing massive erosion. The Shelter Cove subdivision is located along the top of this bluff between the river and Rhododendron Drive. The inner end of the north jetty which fronts the base of the bluff below the subdivision was apparently the first section of the jetty constructed over a hundred years ago, in the 1890's. Further jetty extensions on both sides of the river were designed and constructed up until the 1930's. Deterioration of the north jetty occurred due to the forces of nature and the constant impact of ocean

wave forces, and today much of the rock has deteriorated in size and sunk into the surrounding sand. Historic photographs indicate the rate and magnitude of the erosion at this location. Between 1980 and the present, the bank erosion has accelerated and large quantities of sand have been washed onto the estuary floor.

The bank erosion is threatening roads, utilities, and homes in the Shelter Cove subdivision. Sub-area C-1 is within the larger Estuarine MU C, which was found at one time to have productive clam beds. Extensive studies have been conducted in this area and are included in the application record. These studies have verified that the habitat is no longer viable habitat for the once-occurring unique clam species due to the buildup of sand from erosion.

Coastal Resources Management Plan

The CRMP is a Special Purpose Plan of the Lane County Rural Comprehensive Plan that applies to all lands, rural and urban, in the coastal portion of Lane County. In accordance with state guidelines, it is the local document that defines and describes the designated estuarine and shoreland Management Units in Lane County, specifies priority land use levels, and details allowed and conditional uses within each of the MU's. Each Management Unit identified in the CRMP is a unique biological, physical and economic unit. The Estuarine MU's are identified by letters on the CRMP maps, and the Shoreland MU's are identified by number.

The CRMP was adopted into Lane Code 16.400 (b) (v) as a Special Purpose Plan in June 1980 and amended in 1982, 1983, and 1991. It was adopted by Ordinance No. 803, and amended by Ordinance No's. 862, 876, and 1000. Amendment of the CRMP requires compliance with applicable criteria for Rural Comprehensive Plan amendments as discussed in the analysis section of this staff report and the Findings in Support provided by the applicant in Exhibit C to the Ordinance.

Sub-area C-1 was determined, through extensive study as shown in the record, to be the area appropriate for a change in designation that could allow for erosion protection measures upon a determination that it would be cost effective through a ACOE 111 Study.

City of Florence Action

The Florence Planning Commission conducted public hearings from February through May of 2004 on proposed text and diagram changes to reflect current conditions. Through that process, a three part amendment to the CRMP and the City's Comprehensive Plan was developed for the Shelter Cove area. The public hearing process fine-tuned the planning commission recommendation for Estuary MU C, which resulted in a reduction of the size of that MU proposed for amendment to the ten acres in the north cove identified as Sub-area C-1. This sub-area is the area of concern to the property owners because of the rate of erosion on the bluff, reported at 5' per year.

The city planning commission's recommendation for plan amendments to the Florence City Council included three things:

- Amend the Lane County CRMP plan designation map and text for the portion of Shoreland MU 1 that lies within the current city limits from 'Natural Resources Conservation' to 'Residential Development'.
- Amend the Lane County CRMP plan designation map and text for Sub-area C-1 from 'Natural' to 'Conservation'.
- Amend the Florence Comprehensive Plan 2000/2020 to remove text that is no longer relevant in Chapter 16, Estuarine Resources, Siuslaw Estuary and Shorelands.

On May 17, 2004, after conducting another public hearing, the Florence City Council adopted Ordinance No. 6, Series 2004 to amend the CRMP Plan Designations and the Florence Comprehensive Plan, as shown in City Ordinance No. 6, Series 2004, which is provided in Exhibit H of the Application, Attachment D to this packet.

Lane County Planning Commission Action

The City and the Shelter Cove Homeowners Association submitted the application for co-adoption of these amendments by Lane County in April, 2005. The City Comprehensive Plan 2000/2020 has not yet been adopted by Lane County as part of the Rural Comprehensive Plan, instead, the County recognized Florence Comprehensive Plan is the 1982 version, which means the city's amendment to their comp plan can not be co-adopted by the County, because it is not possible to amend what is not yet adopted. The CRMP amendments can and are being considered and moved forward because that plan is an adopted special purpose plan to the Lane County Rural Comprehensive Plan.

The Lane County Planning Commission held a public hearing for co-adoption of the amendments proposed in the City Ordinance on November 1, 2005. (minutes included as Attachment C). The written record was held open upon request for three additional weeks. Testimony was submitted into the record during that time, from neighboring residents, other interested parties, and regulatory agency staff.

The applicants have continued to pursue the necessary design and engineering work with regulatory agencies during the planning and adoption process for these amendments. Upon consideration of the input received at the County hearing, and the high level of concern regarding continuing erosion of Sub-area C-1 and the time it will take to complete budgeting and engineering for any potential erosion control measures, the applicants requested the Lane Planning Commission provide a recommendation that would forward one of the actions adopted by the city for co-adoption by Lane County, and that is the amendment to the CRMP for Sub-area C-1.

The County planning commission was provided the full written record, and the revised proposal from the applicants for deliberations on December 20, 2005 (minutes included as Attachment C). They voted to recommend approval of changing the Plan Designation on Sub-area C-1 to the Board.

B. Criteria/Analysis

The proposed amendment is a Major Amendment to the Coastal Resources Management Plan, which is a Special Purpose Plan component of the Lane County Rural Comprehensive Plan. The general procedures for such an amendment are found in LC 16.400 (6), (8), and (9).

Lane Code 16.400 (6) Plan Adoption or Amendment – General Procedures

(a) Referral to the Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation shall be requested from the County planning commission and a reasonable time allowed for the submission of such report and recommendation.

The Lane County Planning Commission reviewed the proposal according to the procedures in LC 16.400 (6) (b) and (c) and submit a recommendation under LC 16.400 (d) to amend the CRMP plan designation for Sub-area C-1, finding that the applicant has met the criteria as supported by the Findings of Fact attached as Exhibit 'C' to the Ordinance.

(h) Method of Adoption and Amendment

(i) The adoption or amendment of a Rural Comprehensive Plan Component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400 (4) above. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400 (8) (a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

Ordinance No. PA 1229 will adopt the amendments. Applicable requirements of local and state law are addressed in Ordinance Exhibit 'C', the Findings, provided by the applicant.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment is:

(i-i) necessary to correct an identified error in the application of the Plan;

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

The proposed amendment is necessary to correct an error in the application of the plan designations for the portion of MU 'C' that has undergone significant change over time related to critical habitat for the clam species of interest. The designation erroneously describes the need for habitat protection for a species that no longer exists in Sub-area C-1.

There is an identified community need to slow, and eliminate if possible, the erosion of the river bank to protect residential property located at the top of the bluff above the area proposed for change.

The proposed amendment is a major amendment, so LC 16.400 (h) (iii) (cc) and (dd) do not apply.

Lane Code 16.400 (8) Additional Amendment Provisions

In addition to the general procedures set forth in LC 16.400 (6), the following provisions shall apply to any amendment of Rural Comprehensive Plan components:

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

The proposed action is a major amendment to the CRMP because it amends both the diagram and text of the Plan.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to LC 14.050.

The Shelter Cover Homeowners Association hired a planning consultant and worked with the City of Florence to develop a joint application for the amendment, and the fee was paid by the Homeowners Association upon submittal of the application pursuant to the above requirements.

LC 16.400 (8) (c) lists further minor amendment proposal requirements that do not apply to this proposal.

Lane Code 16.400(9) Additional Amendment Provisions – Special Purpose Plans

In addition to the general provisions set forth in LC16.400 (6), the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400 (4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

The request to amend the CRMP was brought to the Board by the Shelter Cove Homeowners Association and the City of Florence after adoption as part of a multiple action by the Florence City Council on May 17, 2004 (Attachment D, Exhibit H). Submittal of the application and the subsequent public process by the Lane County Planning Commission notice and consideration at a public hearing on November 1, 2005 initiated the amendment to the CRMP. Compelling reasons for considering the amendment at this time can be found in the written record for this project that documents the rate of erosion and loss of land in the cove identified as Sub-area C-1 and the loss of critical species that once existed in this part of the estuary. The Shelter Cove Homeowners Association hired a consultant to complete the application and paid the full fee upon submitting the application.

The 45 day notice of proposed action was mailed to LCDC on September 27, 2005, as required under ORS 197.610.

C. Alternatives/Options

1. Adopt Ordinance No. PA 1229.
2. Revise the Ordinance as directed by the Board and return for approval of the revised Ordinance on a date and time certain set by the Board.
3. Deny approval of the Ordinance.

D. Recommendation

Staff recommends Option 1, finding that the applicant has met the criteria for adoption of an amendment to the Lane County CRMP.

E. Timing

No Emergency Clause is included in the County Ordinance.

Actual construction of erosion control measures will require further study and cost/benefit analysis for consideration of conditional use permit requirements, with full participation and oversight from

local, state, and federal agencies. There is a need to complete this planning action that could allow for further development of a site specific, integrated solution to the erosion problem immediately facing the Shelter Cove residents. Typically, there is a limited timeframe of approximately three months for any construction work in a salmon bearing waterway such as the Siuslaw River, that occurs over the summer months. The Homeowners Association and City staff are meeting with the regulatory agencies to discuss, plan, and develop appropriate and cost effective erosion control measures that could be possible upon adoption of this Plan Amendment by the Board of Commissioners.

IV. IMPLEMENTATION/FOLLOW-UP

Notice of Board action will be provided to DLCDC and parties. If the Board denies the Ordinance or modifies the Ordinance, DLCDC Notice will also be provided. Should the Board choose option 2, an Order with findings setting forth the Board's reasons for denying the Ordinance would be prepared by staff and returned to the Board for adoption.

The City of Florence is refining their updated city plan, the *Realization 2000/2020 Comprehensive Plan* and will at some time in the future, bring that Plan to the Lane County Board for co-adoption, as required by the Statewide Planning Program. The amendments to Shoreland MU 1 and their new comp plan would be considered by the Board at that time, with review and a recommendation from the Planning Commission.

V. ATTACHMENTS

A. Ordinance No. PA 1229

- Exhibit A – CRMP Map No. 1
- Exhibit B – CRMP Chapter II text amendment
- Exhibit C – Findings of Fact in Support

B. November 1, 2005 minutes; Planning Commission work session & public hearing

C. December 20, 2005 minutes; Planning Commission deliberations & recommendation (to be submitted in a supplemental packet)

D. Application PA05-5506

- Exhibit A - February 10, 2004 Florence Planning Commission Meeting Notice, Notice Mailing List, Agenda Item (5) Resolution, Findings, and Meeting Minutes
- Exhibit B - April 13, 2004 Florence Planning Commission Agenda Item Summary and Findings, and Meeting Minutes
- Exhibit C - February 8, 2004 letter from Wetland Consultant Wilbur Ternyik
- Exhibit D February 23, 2004 letter from Oregon Coastal Management Program, DLCDC
- Exhibit E - August 21, 2002 letter from Dept. of Fish and Wildlife Marine Resources Program
- Exhibit F - April 15, 2004 letter from National Oceanic & Atmospheric Administration, (NOAA), US Department of Commerce
- Exhibit G - May 17, 2004 Florence City Council Public Hearing Notice, Notice Mailing List
- Exhibit H - May 17, 2004 Florence City Ordinance No. 6, Series 2004 and Exhibits
- Exhibit I - November 2001, *Shelter Cove Subdivision – Historic Erosion Report, Lower Siuslaw Estuary, Florence, Oregon;* by W. E. Ternyik
- Exhibit J - Ogden, Beeman & Associates; *Causes of Erosion Problem at Shelter Cove*
- Exhibit K October 2001, *An Evaluation of Effects of Severe Bank Erosion on the Benthic Macro-invertebrate Community and General Habitat Conditions Near Shelter Cove Siuslaw River Estuary, Oregon.* by R. H. Ellis, Ph.D

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1229) IN THE MATTER OF AMENDING THE LANE
) COUNTY COASTAL RESOURCES MANAGEMENT
) PLAN CHAPTER II-ESTUARINE RESOURCES
) TEXT & DIAGRAM FOR TEN ACRES OF ESTUARY
) MANAGEMENT UNIT (MU) 'C' IDENTIFIED AS
) 'SUB-AREA C-1' FROM 'NATURAL' TO
) 'CONSERVATION' AND ADOPTING SAVINGS AND
) SEVERABILITY CLAUSES (FILE No. PA 05-5506, City
) of Florence & Shelter Cove Homeowners Association)**

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 803, adopted the Coastal Goals Compliance Report as a component of the Rural Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinances 862, and 876, adopted the Coastal Resources Management Plan as a Special Purpose Plan to comply with Statewide Planning Goals 16, 17, 18, and 19 within the jurisdiction of Lane County; and

WHEREAS, Ordinance PA 1000 amended the Coastal Resources Management Plan policies and permitted and conditional uses, and

WHEREAS, on May 17, 2004, by means of City Ordinance No. 6, Series 2004, the Florence City Council amended the Coastal Resources Management Plan designations and the Florence Comprehensive Plan text and diagram for Shoreland Management Unit 1 within the city from 'Natural Resource Conservation' to 'Residential Development' and Sub-area C-1 of Estuary Management Unit C from 'Natural' to 'Conservation' as recommended by the Florence Planning Commission; and

WHEREAS, on May 21, 2005, application no. PA 05-5506 was made by the City of Florence and the Shelter Cove Homeowners Association for co-adoption of City Ordinance No 6, Series 2004, a major amendment to the Coastal Resources Management Plan and the Florence Comprehensive Plan; and

WHEREAS, Lane Code Chapter 16.400 sets forth procedures and criteria for amendment of the rural comprehensive plan and special purpose plans for Lane County; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in a public hearing on November 1, 2006, and upon consideration of public citizen and regulatory agency input, the applicants revised the co-adoption request to focus the discussion and recommendation on deliberation of the proposed change to the Estuary management unit only, and

WHEREAS, the Lane County Planning Commission deliberated on December 20, 2006, on the revised proposal, recommending approval of the proposed amendment to Sub-area C-1 of Management Unit C to the Board of Commissioners; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, and the requirements of applicable state and local law; and

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

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

1. The Coastal Resources Management Plan is amended by the redesignation of the ten acres of Management Unit C identified as 'Sub-Area C-1' from 'Natural' to 'Conservation' on Map 1 of the Coastal Resources Management Plan, such territory depicted on and further identified as Exhibit "A" attached and incorporated herein; and
2. The Coastal Resources Management Plan text in Chapter II- Estuarine Management Units that is applicable to Sub-area 'C-1' of Management Unit 'C' is amended as shown on Exhibit "B" attached and incorporated herein, and

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

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

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

ENACTED this ____ day of _____, 2006.

Bill Dwyer, Chair
Lane County Board of County Commissioners

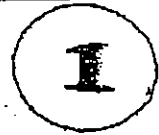
Recording Secretary for this Meeting of the Board

APPROVED TO FORM

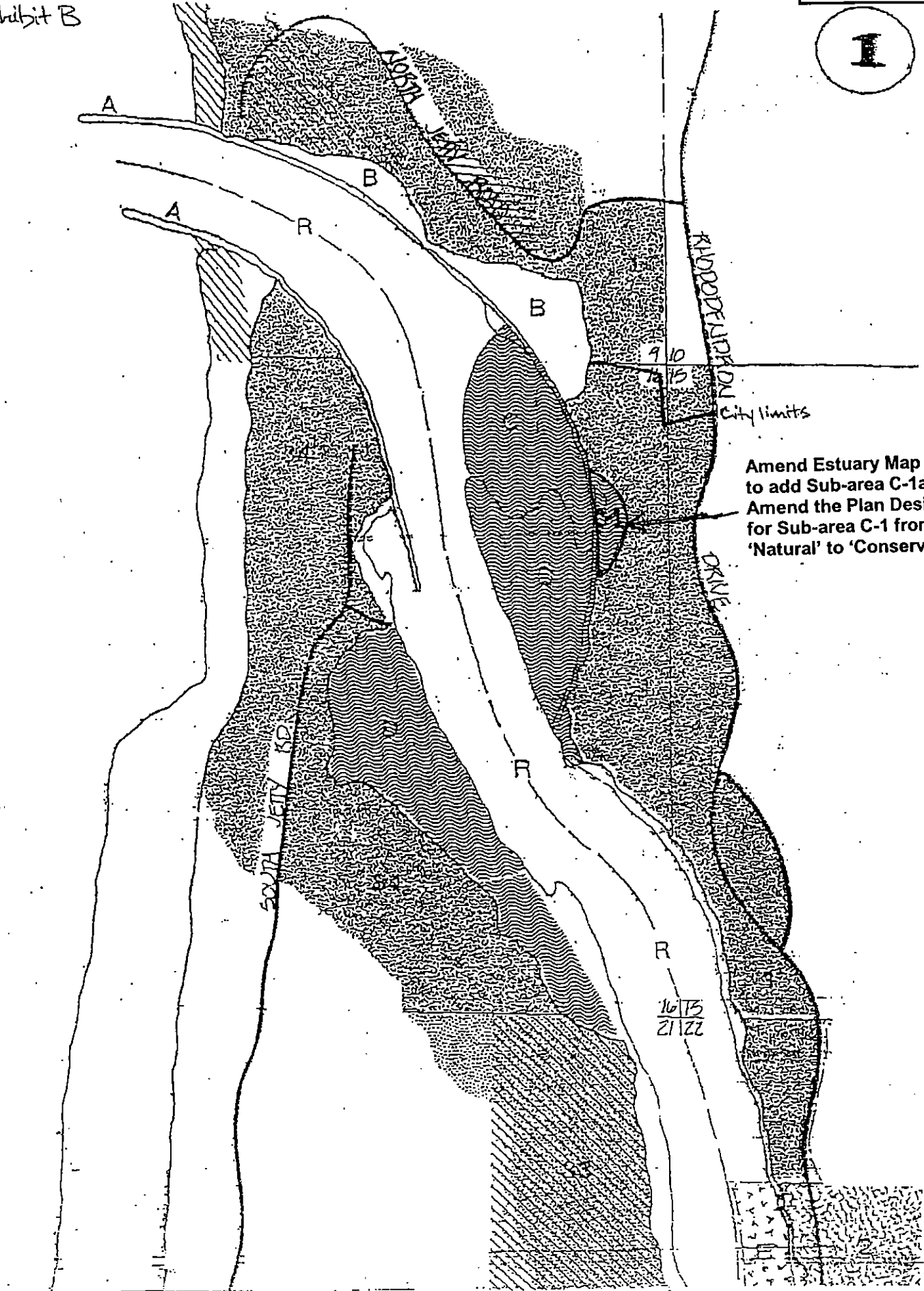
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OFFICE OF LEGAL COUNSEL

Exhibit A



Ordinance No. 6 Series 2004
Exhibit B



Amend Estuary Map 1
to add Sub-area C-1 and
Amend the Plan Designation
for Sub-area C-1 from
'Natural' to 'Conservation'

**Proposed Text Amendment
Lane County Coastal Resources Management Plan**

Chapter II – Goal 16 Estuarine Resources

DESIGNATION OF ESTUARINE MANAGEMENT UNITS (pg. 14 & 15)

The proposed text amendment additions are in *italics*, deletions are in ~~strike~~through.

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;~~
- d) Seagrass and algae beds predominantly in Piddock Bay area;
- e) Area of high quality biological habitat with unique consolidated substrate;
- f) low-intensity recreational potential

3. Discussion: The salinity range in this MU near the mouth of the river is higher than the remainder of the estuary since the Siuslaw has a strong riverine influence. This factor causes the organisms found here to be much different than those in the remainder of the estuary. Seals are known to use the Cannery Hill area as a haul-out and oceanic fishes can be found feeding here. The sand substrate is of high value for fish rearing, including fall chinook juveniles. The recreational and economic importance of this area extends beyond the limits of the MU because of this fish rearing capacity. The abundance of clams is also of high recreational value.

C-1. Conservation

1. Extent: Portion of the estuary between the inner north jetty and the shoreland as 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.

FINDINGS IN SUPPORT
Coastal Resources Management Plan Amendment
City of Florence/Shelter Cove Homeowners Association
Ordinance No. PA 1229 (Revised)

1. Shelter Cove is a residential subdivision located in the city of Florence. It is in the northern portion of the city located between Rhododendron Drive and the banks of the Siuslaw River.
2. The subdivision is located on a bluff approximately 75-85 feet above the north bank of the Siuslaw River.
3. The Siuslaw River and ocean waves from the mouth of the river are eroding the riverbank below Shelter Cove, thereby endangering the safety of lives and property in the development.
4. The evidence in the record shows the rate of erosion as measured by surveys is approximately 5-feet per year. In some recent years this rate on average has been exceeded.
5. The US Army Corps of Engineers constructed an "inner" rock jetty to protect the Shelter Cove river bank but the jetty has deteriorated to the point of failure and now lets wave action contact the toe of the slope.
6. Without the protection of the "inner" jetty, the continuing erosion of the bank has led the homeowners in Shelter Cove subdivision to seek a solution involving measures to stabilize the bank.
7. Erosion control and bank stabilization is a land use activity that is regulated by federal, state and local governmental agencies. The local means of regulating the activity begins

with the Coastal Resources Management Plan (CRMP). In accordance with state guidelines, the CRMP is the local document that defines and describes the designated estuarine and shoreland management units (MU), specifies the priority levels within these MU's, and details allowed and conditional uses within each of the MU's. The Lane County CRMP was adopted in June 1980 and amended in 1982, 1983, and 1991. The CRMP is a Special Purpose Plan of the Lane County Rural Comprehensive Plan and applies to all lands, rural and urban, in the coastal portion of Lane County.

8. The CRMP designation of the area where bank stabilization would need to occur is "Natural", a designation which does not permit bank stabilization. A change to "Conservation" on the Plan Diagram would conditionally allow bank stabilization following approval by state and federal agencies of the type of stabilization proposed and approval of a site specific permit to allow the activity to go forward.
9. The CRMP, as well as other special purpose plans affecting the city of Florence, require the co-adoption of such plans by Lane County and the city of Florence. Amendments to such plans also require co-adoption of proposed changes.
10. The Shelter Cove Homeowners Association and the city of Florence proposed changing the CRMP from "Natural" to "Conservation" to permit the stabilization activity to be allowed. In addition, the applicants proposed another change to the CRMP – to conform the portion of the Shoreline Management Unit inside the city to Residential Development, a change unrelated to the bank erosion issue.
11. In addition to the map changes noted above, text changes of the CRMP were proposed to reflect the changes in plan designation.
12. The city of Florence initiated the CRMP plan changes through a series of public hearings held between February and May of 2004. On April 13, 2004, the Florence Planning

Commission approved Resolution 04-02-10-05 adopting the changes and on May 17, 2004, the City Council passed Ordinance No. 6, Series 2004, also adopting the changes.

13. The specific map change made to the CRMP involved the creation of a small, 10-acre section of Estuarine Management Unit C, which is located between the failed "inner" jetty and the river bank. This area is referred to on maps and text as Subarea C-1
14. Following adoption by the city of Florence, application was made to Lane County and filed on April 21, 2005, by the city of Florence and the Shelter Cove Homeowners Association to co-adopt the changes.
15. On November 1, 2005, a public hearing was held by the Lane County Planning Commission on the requested changes. Testimony at the hearing was presented by the city and homeowners as to the urgent need to take action to prevent catastrophic damage to the homes above the river.
16. Evidence presented, both at the hearing and in the record of the city approval, shows that the CRMP designation of 'Natural' for Estuarine Management Unit C-1 was largely based on the need to protect the existence of Pittock clam beds. As the "inner" jetty failed, allowing the riverbank to collapse, the resulting sand covered the clam beds to the point they are no longer productive. The loss of this habitat no longer warrants the "Natural" designation of this part of the Management Unit and accommodates the change to "Conservation".
17. The record of the public hearing was kept open at the request of the National Oceanic and Atmospheric Administration for an additional three weeks. The written record closed to new input on November 22, one week was provided for general response to the new information through November 29, and a final week for applicant rebuttal allowed for the written record to close on December 6, 2005.

18. The Lane County Planning Commission deliberated on this matter on December 20, 2005. At this meeting, staff presented a request from the applicant to decouple the amendment to the Florence Comprehensive Plan 2000/2020 from the amendment to the CRMP and to withdraw the CRMP text amendment to MU-1 within the city. The Planning Commission subsequently deliberated only on the matter of co-adoption of CRMP Map Revision and Text Amendment for Estuary Management Unit Subarea C-1.
19. Following deliberation, the Planning Commission voted to recommend approval of the issue to the Lane County Board of Commissioners. The vote was 6 in favor, 2 opposed.
20. Criteria for a major amendment to the CRMP is found in Lane Code 16.400(6), (8) and (9). The CRMP is a Special Purpose Plan of the Rural Comprehensive Plan. Plan amendments must be found to be fully in compliance with Statewide Planning Goals and Oregon Administrative Rules in order for the amendments to be adopted.
21. The Lane Code criteria and response:
16.400(6)(h) Method of Adoption and Amendment
 - (iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:
 - (aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Goals and Administrative Rules.
 - (bb) For Major and Minor Amendments as defined in LC.400(8)(a) below, the Plan amendment is:
 - (ii) necessary to correct an identified error in the Plan;
 - (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment;

The proposed amendments are necessary to correct an error in the application of the Plan Designation that has changed over time. There is an identified community need to slow, and eliminate if possible, the erosion of the riverbank to protect property. Corrective actions may also improve the quality of the degraded habitat.

22. Lane Code Criteria and response:

LC 16.400(8) In addition to the general procedures set forth in LC 16.400(6), the following provisions shall apply to any amendment of Rural Comprehensive Plan components:

- (c)(iii) An assessment of the probable impacts of implementing the proposed amendment.

The identified impacts are evaluated adequately, including the addition of a tsunami impact evaluation.

23. Lane Code Criteria and response:

LC 16.400(9) In addition to the general provisions set forth in LC16.400(6), the following provisions shall apply to any amendment of Rural Comprehensive Plan Components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the county. Any individual may request the Board to initiate such amendment.

The request to amend the CRMP was brought to the Board by the Shelter Cove Homeowners Association and the city of Florence. The Lane County Planning Commission public hearing on November 1, 2005, is the initiation of the amendment to the CRMP.

24. Applicable Statewide Planning Goals. The recommendation to approve the proposal is based on compliance with the applicable Statewide Planning Goals, as discussed below.

Goal 1: Citizen Involvement:

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

December 15, 2003: Notice of this proposed action was mailed to Department of Land Conservation and Development (DLCD) by the city of Florence.

January 21, 2004: Notice mailed to residents within 300 feet of subject property and city's Planning Commission public hearing public notice published in the Siuslaw News.

January 31/February 4, 2004: Notice published in Siuslaw News

February 10, 2004: Florence Planning Commission held a public hearing

April 13, 2004: Florence Planning Commission deliberations and decision

May 8, 12, & 15, 2004: Florence Planning Commission Notice of Public Hearing published in Siuslaw News

May 17, 2004: Florence City Council decision to approve Ordinance No. 6, Series 2004, amending the Comprehensive Plan and CRMP

April 21, 2005: Lane County received the application proposal

October 12, 2005: Lane County mailed notice to surrounding property owners and published legal ads in the Eugene Register-Guard and the Siuslaw News announcing the November 1, 2005, public hearing.

November 1, 2005: Lane County Planning Commission public hearing on this proposal, PA 05-5506.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The city has completed adoption of the proposal that included opportunity for public input and agency comment on the change in Plan Designations for this area. The applicant provides extensive studies and supporting documentation regarding the change in habitat for the area. The county conducted two public hearings for consideration of this

proposal for consistency with Comprehensive Plans of cities and the special resource area of the CRMP. Notice was provided to neighboring property owners, regulatory agencies, and other affected governmental units. Interested parties were provided opportunities to provide evidence and their views regarding this issue to the decision making bodies. These decision making bodies considered the staff reports, evidence, testimony, and other information in the record in making their decision.

Goal 3: Agricultural Lands and Goal 4: Forest Lands: These goals do not apply to the proposal because no farm or forest lands are in the area proposed for amendment.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:

To conserve open space and protect natural and scenic resources.

The Siuslaw River is a Goal 5 resource for both the city and the county. Florence has been identified as a top location in America for retirement living, and the Shelter Cove subdivision is in an area with scenic views and is highly desirable for residential development.

Area C-1 is a small subarea of the larger management unit which was initially proposed for redesignation in its entirety by the city's Planning Commission. Public and agency testimony guided the city council to protect the majority of the natural area remaining in MU C by retaining the existing designation for the majority of the area, and proposing only the subarea C-1 for change in Plan Designation. Therefore, the proposed amendments are consistent with Statewide Planning Goal 5.

Goal 6: Air, Water and Land Resources Quality

The Siuslaw River is a high quality water resource. NOAA Fisheries has expressed concern about the ultimate application of rip rap to protect personal property from severe erosion. Rock rip rap is mentioned a number of times as the preferred 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 alternative solutions for bank stabilization to the construction of an armoring structure made solely of rock or concrete. Structural hardening of embankments is not necessarily the most successful stabilization method that supports threatened, endangered, rare or other fisheries species. The most desirable method is revegetation, however, it is seldom successful when used alone. Combining structural measures such as sloped rip rap or mechanically stabilized earth walls, vegetation, and large woody material is preferable to a structural solution without vegetation. These techniques will be explored with the permitting agencies as a solution is developed and reviewed by the responsible state and federal permitting agencies.

Goal 7: Natural Disasters

The Subarea C-1 is within the Tsunami Inundation Zone of Coastal Lane County, as identified on the recently updated City of Florence Tsunami Map. The inundation by a tsunami could be mitigated by the provision of some type of bank protection following adoption of the proposed amendment.

Goal 8: Recreational Needs; Goal 9: Economic Development; Goal 10: Housing; Goal 11: Public Facilities and Services; Goal 12: Transportation; Goal 13: Energy Conservation; Goal 14: Urbanization; and, Goal 15: Willamette Greenway do not apply to the proposed activity or the geographic area proposed for amendment.

Goal 16: Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic and social values, diversity and benefits of Oregon's estuaries.

The exhibits that are included in the application have the scientific background information supporting the change of plan designation for a small ten acre subarea of the MU that is now identified as C-1. For the remainder of MU C, the following text on page 15 of the CRMP should be retained because it is still applicable to the rest or the

management unit.

- d) Sea grass and algae beds predominantly in Pidcock Bay clams.
 - e) Area of high quality biological habitat with unique consolidated substrate;
 - f) Low-intensity recreational potential.
3. Discussion: The salinity range in this MU near the mouth of the river is higher than the remainder of the estuary since the Siuslaw River has a strong riverine influence. This factor causes the organisms found here to be much different than those in the remainder of the estuary. Seals are known to use the Cannery Hill area as a haulout and oceanic fishes can be found feeding here. The sand substrate is of high value for fish rearing, including fall Chinook juveniles. The recreational and economic importance of this area extends beyond the limits of the MU because of the fish rearing capacity. The abundance of clams is also of higher recreational value.

The proposed change is to allow for examination of the site for erosion control that could reduce loss of the bank and be compatible with current identified resource values.

Goal 18: Beaches and Dunes

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and

To reduce the hazard to human life and property, from natural or man-induced actions associated with these areas.

The Beaches and Dunes Combining Zone is the broad overlay zone that covers both management units for the entire area, because the underlying strata to the estuary shore is stabilized dune formations. The procedures and requirements for conditional uses allowed in this overlay zone would be followed upon application for bank stabilization proposals if allowed by the change in the plan designation.

Goal 19: Ocean Resources

The Ocean Resources under Goal 19 are the near-shore ocean resources and resources/impacts to the underwater area known as the continental shelf. Since the subject properties are in the river estuary, Goal 19 is not applicable.

MINUTES

Lane County Planning Commission
BCC Conference Room - Lane County Courthouse

November 1, 2005
5:30 p.m.

PRESENT: Steve Dignam, Chair; James Carmichael, Vice Chair; Lisa Arkin, Ed Becker, Todd Johnston, Juanita Kirkham, Nancy Nichols, John Sullivan, Jozef Zdzienicki, members; Planning Director Kent Howe, Stephanie Schulz, Staff; Carolyn Weiss, Johnny Medlin, City of Eugene Parks Department

I. APPROVAL OF SEPTEMBER 20, 2005 MINUTES

Commission Chair Steve Dignam convened the meeting at 5:30 pm. He welcomed new member Todd Johnston to the commission.

Mr. Dignam asked for public comment on issues not featured on the agenda. Seeing none he moved to approval of minutes.

Commission member Jozef Zdzienicki, seconded by Commission member James Carmichael, moved to approve the September 20, 2005 minutes. The motion passed unanimously.

II. AMEND FLORENCE COMPREHENSIVE PLAN 2000/2020 & the Lane County Rural Comprehensive Coastal Resources Management Plan (CRMP) to change plan designations of 2 management unit areas to allow for erosion control measures in the estuary (PA 05-5506)

County Planning Staff member Stephanie Schulz provided a brief summary of the item. She noted that the reason for the proposal was to change the plan designation to allow for implementing erosion control measures that were not allowed under the current zoning designation.

Ms. Schulz said she had provided a copy of the Coastal Resources Management Plan in the staff report and an updated map of the area. She said the actual acreage of the portion of Management Unit 1 that is within the city limits is 96.59 acres rather than 190 acres as mentioned in the staff report. She said there had been erosion in the area since the 1930's and Management Unit 1 was the unit on top of the bluff shown on the map and area C1 was in the estuary. She noted that the City of Florence was the major coastal community in Lane County and the Siuslaw River was a shallow draft development estuary as designated by the Army Corps of Engineers and the Port of Siuslaw. She said the Coastal Resources Management Plan overlaid the entire area and proposed text changes were to both the city Plan and the CRMP. She noted that the ecological nature of the area had changed, and the special habitat that was originally in the area that provided habitat for clams is no longer there.

Ms. Schulz said the general approval criteria for amendment of the Coastal Resources Management Plan was to meet the Statewide Goals and to not make amendments that would conflict with the rest of the plan.

In response to a question from Ms. Arkin regarding the Goals named in the criteria for approval, Ms. Schulz outlined the applicable Goals of citizen involvement and land use planning. She also said she had requested that the applicant address Tsunami potential and estuary resources and coastal shore lands.

Linda Sarnoff, Community Services Director for the City of Florence, provided a brief presentation on the application. She noted that she had come into her position in 2004 and related that a lot of things had happened before she came on the job that should not have happened and she has worked methodically to address each issue. She said the City of Florence used its overall Comprehensive Plan and a number of supporting documents such as the Coastal Resources Management Plan. She said there had been a belief that if development met the criteria for the overall City Comprehensive Plan "then everything would be OK." Inside the City limits, she said there could be minimum development with appropriate management techniques along the banks to minimize impacts but the focus was to allow for urban development rather than resources management. She said areas outside the City limits would focus on intensive management for non urban purposes rather than urban development. She said land that had been annexed to the City had not been re-designated with the correct designations. She said currently, (15 -20 years after the fact) there seemed to be a consistent approach in that there was no record of making any changes. She said staff must have felt that annexation into the city was not sufficient enough to no longer apply the coastal management unit. She said there had never been a reference to the Coastal Resource Management Plan. She said she was taking steps to clean up the 95 acres which had been inaccurately designated in the previous 20 years.

In response to a question from Mr. Dignam regarding the nature of the key issues before the commission, Ms. Schulz said the key issue was the appropriateness of making the change in zoning designation in the area identified in the application.

In response to a question from Commission member Ed Becker regarding the problems of the development along the river and related environmental issues, Ms. Sarnoff said there would be testimony at the public hearing. She said the area in the estuary had used to be a habitat for pittock clam beds and noted that the Corp of Engineers put in a series of groins across the river to stabilize the banks and thereby changed the ecology of the whole area. She added that the groins had not only caused erosion in Shelter Cove but exacerbated the tidal erosion that occurred. She said there had been consistent installation of rip rap every five to seven years in the estuary for bank stabilization. She said now homes were endangered because of lack of rip rap in Shelter Cove. She added that there were issues with how the ground water moved through the area and causing the scalloping of the edge of the bank and failure of that particular slope.

In response to a question from Mr. Becker regarding whether the agencies that had jurisdiction could provide recommendations about rip rap in the specific area, Ms. Sarnoff said the Department of Fish and Wildlife had reviewed the determination. She added that one of the proponents of the Shelter Cove development had commissioned a biological survey of the area to show that the area no longer supported the clam beds that were worthy of preservation. She said all of the resource agencies concurred on the survey and had recommendations about the manner of providing bank stabilization.

In response to a question from Commission member Nancy Nichols regarding whether the erosion problem would simply move to another location, Ms. Sarnoff commented that the problem would most likely move to another location. She said armoring the area would move the problem along to another location and remarked that the hardening of the banks would be a cycle until the entire cove bank was hardened.

Commission member John Sullivan commented that the request that the County Commission and the Planning Commission are addressing is the change in zoning. He raised concern that the commission could become involved in the solution of the problem. He stressed that the focus of attention was the zone designation changes. He said the solution was an entirely different process to be handled in the future by a number of different organizations. He reiterated that the focus should be on the land designation changes and involvement at the public hearing should be toward zone designation changes.

In response to a question from Mr. Zdzienicki regarding the reason why there was nothing submitted from the Corps of Engineers even though the application placed blame for the needed work on the Corps. He said the application was incomplete in that it needed a written response from the Corps.

Ms. Schulz noted that the Corps had been sent notice of the meeting and had not sent a response.

Ms. Sarnoff commented that the Corps of Engineers worked in a different timeframe than other organizations. She said an answer could not be expected in the time it took to process a land use application. She said there was some documentation from the Corps regarding the placement of groins in the river and the changed ecology. She said the Corps would help in implementing solutions to the erosion problem. She said the City of Florence was working on each individual project with the Corps and taking an engineered approach.

In response to a question from Ms. Arkin regarding why the amendments were coming to the County 18 months after being approved by the City of Florence, Ms. Sarnoff said she had started her position about three months before the issue was raised and had wanted to meet with the Corps of Engineers and fully understand the situation.

In response to a question from Ms. Arkin regarding whether there had been independent biological studies of the area, Ms. Sarnoff said the studies had primarily been done with the cooperation of the Department of Fish and Wildlife. She added that the Port of Siuslaw had done an independent study but was more focused on the problems with the jetty system on the Siuslaw. She also noted that the Corps of Engineers had also done a study of the biological stability, navigation and role of the river in the overall economy of the area. She said she could supply copies of the study if desired.

Ms. Arkin questioned why the City of Florence Comprehensive Plan mentioned that any modification to the Lane County Coastal Management plan was subject to approval by DLCD and Lane County and why that language had been removed in the text amendments.

Ms. Sarnoff said the reason was that as land was annexed it was moved into a management unit that was appropriate for the City of Florence. She said Lane County was not specifically excluded and would receive notices of changes in the review process.

Ms. Arkin raised concern over the mismanagement of the lands and commented that the area needed more supervision rather than less. She remarked that the lands were shared by all of Oregon and Lane County and was important for tourism dollars.

In response to a question from Ms. Kirkham regarding the statement in the application that there would be two public hearings, Ms. Schulz said there would be a public hearing before the Planning Commission and a public hearing before the Board of County Commissioners.

In response to a question from Mr. Dignam regarding the impact a poor decision made 20 years ago would have on the decision to be made that evening, Ms. Schulz said each commissioner would have to decide how to consider that fact. She said the Planning Commission was being asked to make a recommendation for co-adoption with the City of Florence. Ms. Sarnoff added that denial of the application would keep a property owner from stabilizing a bank where a house was already located. She said the City was trying to do the best for landowners whose houses were at risk.

In response to a question from Mr. Dignam regarding whether the commission should disregard the fact that the residential development in Shelter Cove should not have been allowed in the first place, Ms. Sarnoff said the homes were lawfully established by the regulations that were in place. She said the City and the County were sharing the opportunity to help bail out landowners.

In response to a question from Mr. Carmichael regarding how far the river was dredged, Ms. Sarnoff noted that the Corps of Engineers dredged the river well past the area of concern.

In response to a question from Mr. Carmichael regarding whether any of the residents of Shelter Cove had filed Lawsuits, Ms. Sarnoff said there had been lawsuits and she was anticipating others.

In response to a question from Mr. Carmichael regarding whether the zone change would preclude Corps involvement in the solution of the problem, Ms. Sarnoff said the zone change would assist in getting the Corps involved sooner.

In response to a question from Commission member Todd Johnston regarding whether there had been consideration of other solutions besides rip rap that would be permitted under the current zoning, Ms. Sarnoff said the City was at a point that it needed to protect the area or ask 129 units of housing to go away.

In response to a question from Mr. Johnston regarding whether there was a solution that was allowed under current zoning, Ms. Sarnoff stressed that rip rap was what would stabilize the bank and would be used in conjunction with planting.

Mr. Johnston said the bottom line was that the commission could approve the zone changes or the houses would be sliding into the river.

Mr. Becker said the issue with rip rap was wave energy. He said he wanted some expert to tell him that wave energy would not be transferred to other areas along the Siuslaw River. He raised concern that the problem would be shifted to other parts of the river and create more serious problems.

Ms. Arkin called attention to Exhibit F in the staff report and stressed that not only human structures were at stake. She cited that the report said salmon habitat would also be affected if rip rap were put in. She questioned where salmon and Tsunami zones would be addressed.

Ms. Sarnoff stressed that the estuary was a disturbed ecosystem and not a pristine environment. She said there were continuous human activities that had made an impact on the river.

MINUTES

Lane County Planning Commission
BCC Conference Room - Lane County Courthouse

November 1, 2005
7 p.m.

PRESENT: Steve Dignam, Chair; James Carmichael, Vice Chair; Lisa Arkin, Ed Becker, Todd Johnston, Juanita Kirkham, Nancy Nichols, John Sullivan, Jozef Siekiel-Zdzienicki, members; Planning Director Kent Howe, Stephanie Schulz, Staff

I. AMEND FLORENCE COMPREHENSIVE PLAN: 2000/2020 & Lane County Rural Comprehensive Coastal Resources Management Plan (CRMP) to Redesignate 95 Acres of Shoreland Management Unit (MU) 1 within Florence City Limits from "Natural Resources Conservation" to "Residential Development" and to Redesignate 10 acres of Estuary MU C, Known as Sub-area C1 from "Natural" to "Conservation" and to Amend the Comprehensive Plan Text for that area of Management Unit 1 that is Now Located within the Florence City Limits. (PA 05-5506)

Commission Chair Steve Dignam convened the meeting at 7 pm. He called for declarations of *ex parte* contact or conflict of interest.

Commission Member Todd Johnston noted that he represented Sea Watch Estates in a different matter but noted that Sea Watch could be affected in part by what took place that evening. He said it would not affect his decision making but said there could be a perceived conflict of interest and recused himself from the hearing.

Planning Staff member Stephanie Schulz provided the staff report. She said the City and Shelter Cove Home Owners Association were requesting a change in plan designation to facilitate erosion control measures that were currently not allowed in the designations that applied to the subject properties. She said the proposal was a major amendment to the Coastal Resources Management Plan and the Florence Comprehensive Plan. She said procedures for the change were found in Lane Code 16.040. She said the applicant had met the criteria for changing designations. She said the applicable Statewide Planning Goals were:

- Goal 1. Citizen Involvement
- Goal 2. Land Use Planning
- Goal 5. Open Space, Historic Areas and Natural Resources,
- Goal 6. Air, Water, and Land Resources Quality
- Goal 7. Natural Disasters
- Goal 16. Estuary Resources
- Goal 17. Coastal Shore Lands
- Goal 18. Beaches and Dunes

Ms. Schulz entered an e-mail into the record from the National Oceanic and Atmospheric Administration, (NOAA), and noted they request to leave the written record open for an additional three weeks for NOAA to provide written input about the proposal.

Mr. Dignam opened the public hearing.

Dave Pedersen, spoke as the Home Owner's Association representative. He said the homeowners were asking for completion of a land use process that allowed them to protect their property along the river. He said the bank below Shelter Cove is eroding at a rapid rate. He said the City of Florence reviewed the evidence and concluded that it was compelling enough to make the requested changes. He said if the Lane County Planning Commission recommended approval to the Board of County Commissioners and the Board also approved the change then the homeowners in the area had an opportunity and could prepare measures of protection for their property which were currently not allowed. He said it was an unfortunate situation that would require a lot of expense by a lot of people to fix.

Regarding the question in the staff report regarding Tsunami data, Mr. Pedersen submitted a written statement. He said there was a map showing areas of inundation that could be accessed on the City's website. He noted that the river bank proposed for erosion abatement would be impacted by a tsunami but the residential portions of the area were not in an inundation area on the map.

Linda Sarnoff, Community Services Director for the city of Florence, said the City of Florence had an adopted Comprehensive Plan. She said the area in question was currently designated low density residential in the city's Comprehensive Plan. In addition to the Comprehensive Plan designation there was also a Coastal Management Plan which was what the City was asking to have modified that evening.

Ms. Sarnoff said the application before the commission was asking two things.

1. Recognize what was already existing (residential development within the City of Florence)
2. Allow a change in the management unit in Shelter Cove from 'natural' to 'conservation' for the city area which would allow for rip rap to be installed to stabilize the bank.

Mike Brock, 2785 Sagittarius Drive, Reno, Nevada, provided a PowerPoint presentation on the reasoning behind the application. He reiterated that the application's purpose was to allow home owners to reinforce the banks along the shore near their homes to stop erosion that was affecting their property. He stressed that the erosion would, without a doubt cause the loss of homes, and city infrastructure.

Mr. Brock showed photos of Shelter Cove and its banks in progressive years from the 1940s to the present. He outlined how the erosion was taking place and noted that the inner jetty system had failed and erosion was progressing along the shore. He noted that the absence of vegetation along the shore was not because of clearing but because vegetation was being sloughed off the shore while erosion was taking place. He noted that the Army Corp of Engineers had acknowledged the inner jetty failure he added that yearly dredging also contributed to the erosion. He showed an example of an erosion control system that had been implemented in a nearby cove in the same estuary. He said the same process *could* be used to mitigate erosion in Shelter Cove. He said regulatory agencies would make the ultimate decision as to what measures should be taken to address the erosion problem in Shelter Cove.

Mr. Brock reiterated that rezoning was necessary to allow consideration of installing control measures for erosion in the area.

In response to a question from Ms. Kirkham regarding the erosion control measures in the cove near to Shelter Cove, Mr. Brock said that area already had the zoning that would allow the work to be done.

In response to a question from Commission member John Sullivan regarding whether the application was consistent with what NOAA was recommending, Mr. Pedersen said that originally, all of Area C was proposed to be changed at the City of Florence level. He said NOAA had desired to scale back the change to not include the entire Area C, but just the 10 acre Subarea C-1.

In response to a question from Commission member Nancy Nichols regarding how the example of the mitigation of erosion in South Cove could be judged a success when it had only been installed in 2005, Mr. Brock said the entire river had been rip rapped with a high level of success over time. He said the erosion was occurring because of wave action and not river current action. He said rip rap would stop that wave action. He said the rip rap would only go about two feet into the water and would not affect current activity which could simply push the erosion problem to another portion of the river shore. He stressed that it was lapping waves removing the sand that was causing the erosion.

In response to a question from Ms. Arkin regarding why the inner jetty had never been rebuilt, Mr. Brock said the Corps of Engineers had no plans to rebuild the inner jetty. He said after Shelter Cove was developed the developer had tried to work with the Corp of Engineers but had achieved no action.

Ms. Arkin raised concern that the current erosion controls in the South Cove had not been in place long enough to know whether there had been adverse effects. She cited the example of European beach grass which was an invasive species introduced at the turn of the twentieth century that had spread along much of the Pacific Coast of the United States and had seriously affected the environment and habitat.

Mr. Brock acknowledged the problem of European beach grass but stressed that erosion mitigation plans called for the use of American Dune Grass which was a non invasive natural plant that already existed in the area. He added that there were strict rules for planting only natural non invasive species that were found in the area. He said the final vegetation that would be planted would be trees.

In response to a question from Commission member Ed Becker regarding the validity of saying that there was no river current erosion in the area in question, Mr. Brock said any time there was current there was erosion. He said he was trying to differentiate between channel erosion and wave erosion. He said the cove was deep enough into the land and far enough from the current to say truthfully that the erosion was caused by wave action.

Mr. Becker raised concern that rip rapping would cause problems in other locations along the river.

Mr. Brock said he was confident that there would be no connected erosion problems because the entire jetty system in the estuary was all rock. He said the section in front of Shelter Cove was the only section that was not rock and the only section that had failed. He stressed that the other areas were all rock and had not eroded through time.

Mr. Becker reiterated his concern that rip rapping would cause problems at other locations along the river.

In response to a question from Commission member Jozef Zdzienicki regarding wave action on the sand and what the height of the waves were when they were hitting the shore, Mr. Brock said the height varied but surmised a maximum of four feet.

Mr. Zdzienicki suggested that removing the failed inner jetty would solve the erosion problem since the waves would not bounce up higher into the cove.

Mr. Brock said the waves in the estuary were very small because of the shallow shelf in the cove. He said the waves broke well before getting to the failed jetty.

Mr. Zdzienicki raised concern that rip rap in the cove would reflect waves and cause erosion across the river.

In response to a question from Mr. Dignam regarding whether the Planning Commission was being asked to approve the final design of any kind of rip rap or erosion control system, Ms. Schulz said it was not.

Mr. Dignam said most of the discussion was not relevant to the decision of the Commission. He expressed his confusion about why the applicant was submitting so much information about the solution when the decision was about a zone change.

Mr. Pedersen said the applicant was asking for the land use authority to take action against the erosion.

Mr. Dignam called for testimony from those in favor of the application. Providing some context for the hearing, he stressed that the Planning Commission would not make a final decision on the matter but would forward a recommendation to the Board of County Commissioners who would make the final decision.

Richard Markee, 55 Shoreline Drive, commented that he was the owner of the house in South Cove where rip rap had recently been installed. He said that in a two year period he had lost 18 feet of a 40 foot setback. He said rip rap had solved his erosion problem and saved his house.

Russ Borg, 23 Shoreline Drive, said the existing barrier jetty that had deteriorated caused the water behind it to be calm. He said the erosion was not caused by big waves but smaller wave action was causing the erosion. He raised concern that erosion would continue and eventually affect a County Park that was nearby. He stressed that the neighbors were willing to pay for the work to be done.

Del Huber, 31 Shoreline Drive, said he was the most affected of the land owners in the area. He said the erosion was less than 50 feet from his back door. He reiterated that the wave action erosion was caused by small shallow waves. He stressed that the neighbors were willing to pay for the erosion control work but added that the neighbors needed help so they could begin the work.

Laurie Segel, 1000 Friends of Oregon, said when Management Units were annexed into a city the Management Unit was not changed. She said the uses allowed in the Management Unit were clearly never intended. She said she objected more to the policy amendments than the planning and zone change amendments. She added that there had not been adequate examination of options for stopping the erosion and suggested that the homeowners could be granted a non conforming use of rip rap. She said the City of Florence let people build with too narrow setbacks. She said she had no confidence that changing the

designation would prevent the same type of problem from reoccurring. She said it made more sense to restrict the intensity of housing and the addition of more housing. She added that the Corps of Engineers should be held more accountable for its past actions.

Ms. Segel asked that the record be left open an additional three weeks because staff had not adequately addressed Goal 17. She said Goal 17 expected that a certain percentage of shore land would be preserved and said the amount of shore land was diminished by the management unit designations established by the City of Florence.

Sylvia Shaw, 3824 Colony Oaks Drive, Eugene, spoke as a representative of the Oregon Shores Conservation Coalition who are interested in making sure that ocean and shoreline estuaries were cautiously developed. She said her organization recognized the need of the residents but was also asking to leave the record open to examine the impacts of Goals 16 and 17.

George Binin, 30 Shoreline Drive, said his home was 90 feet from the edge of the bank and he had lost 15 feet of bank in the previous two years. He noted that there were a lot of concerns about the solution of the problem. He stressed that the reality was that the residents were operating on a tenuous calendar. He said action would have to take place in a window of time because of the NOAA regulations then it would be 2007 before a solution was implemented. He stressed that the erosion was occurring at a rapid rate.

Jim Hurst, 4044 Highway 101, said the Statewide resource Goals referred to Pittock clams in the estuary. He said the clam beds were under seven feet of sand. He said if erosion controls were implemented then the clam beds would restore themselves.

Mr. Dignam called for comments from the commission and staff regarding keeping the record open.

Regarding leaving the record open for three weeks, Mr. Carmichael commented that he thought three weeks was too long a period to keep the record open given the urgency of acting in a timely manner.

Mr. Dignam said he would be comfortable with two weeks.

Ms. Arkin said there had not been adequate biological studies and commented that three weeks would allow more time for those studies.

Mr. Zdzienicki said he was in favor of keeping the record open for three weeks.

Ms. Schulz said three weeks would extend the written record to November 22. She said an additional week for response would extend the date to November 29. She said December 6 would allow another week for applicant rebuttal.

Mr. Dignam closed the hearing for spoken testimony.

Ms. Kirkham, seconded by Ms. Arkin, moved to keep the record open for three weeks with the additional times as specified by staff. The motion passed 8:0:1 with Mr. Johnston abstaining.

SHELTER COVE

A

LANE COUNTY PLAN AMENDMENT APPLICATION



SUBMITTED BY SHELTER COVE HOMEOWNERS ASSOCIATION
AND
CITY OF FLORENCE

APPLICANT'S STATEMENT REQUEST/PROPOSAL

The request is to amend the Florence Comprehensive Plan 2000/2020 and the Lane County Rural Comprehensive Plan - Coastal Resources Management Plan. Specifically, the requested changes would amend the Lane County Rural Comprehensive Plan-Coastal Resources Management Plan by changing the designation of that portion of Shoreland Management Unit 1 within the Florence city limits from "Natural Resources Conservation" to "Residential Development" and changing the designation of that portion of Estuarine Management Unit C, known as subarea C-1, that is between the inner north jetty and the shoreland, from "Natural" to "Conservation." Specifically, the request is to adopt the changes previously made by the City of Florence more particularly described as follows:

With respect to the Lane County Rural Comprehensive Plan-Coastal Resources Management Plan (amended text in italics).

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), predominately 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 land 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.*

Chapter III - Goal 17 - Coastal Shorelands

DESIGNATION OF SHORELAND MANAGEMENT UNITS (pg 46)

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.*

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.~~

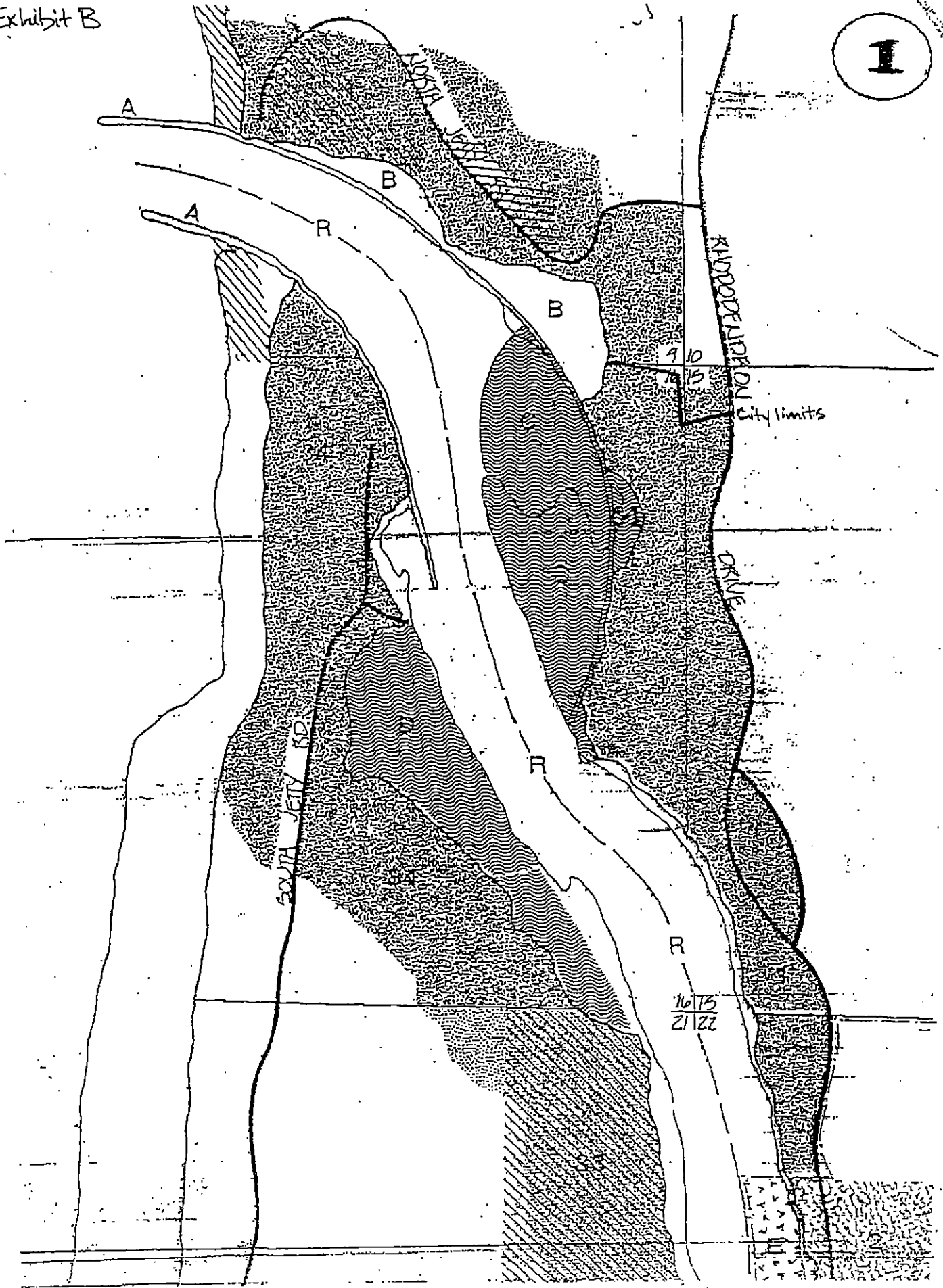
~~Any modification to the Lane county Coastal Management Plan is subject to approval by DLCD Coastal Management technical staff and Lane County. Since this revision is included in periodic review, those requirements also apply.~~

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

The purpose of the requested changes is to begin the process of restoring and protecting the riverbank adjoining the Shelter Cove development. Such actions are not permitted in the "Natural" Estuarine Management Unit but are within the "Conservation" Management Unit. The changes to the Shorelands Management Unit are due to changes in the development pattern of the area.

Ordinance No. 6 Series 2004
Exhibit B

I



BACKGROUND

The City of Florence initiated the plan changes as described in response to erosion occurring on the north bank of the Siuslaw River adjoining the Shelter Cove subdivision. From the period of February through May of 2004, the Florence Planning Commission and the Florence City Council held a number of public hearings on the proposed changes. On April 13, 2004, the Planning Commission approved Resolution 04-02-10-05 adopting the changes and on May 17, 2004, the City Council passed Ordinance No. 6, Series 2004, also adopting the changes.

The original application before the Planning Commission on April 13 was for a request to change all the area mapped Estuarine Management Unit "C", as shown on Map 1 of the Coastal Resources Management Plan. Based on a refinement of the data and written testimony from the State of Oregon and the National Oceanic and Atmospheric Administration, the area to be changed was reduced to the area between the failed north inner jetty and the shoreline and identified as Sub-area C-1. This reduced area was subsequently approved by the Planning Commission and City Council as it was established. This area had lost its productivity as a Natural Estuarine wetland area.

CRITERIA

The Coastal Resources Management Plan is a component part of Lane County's commitment to addressing the Statewide Goals and Guidelines adopted by the State of Oregon in 1976. The "basic fifteen" Goals (1-15) are specifically addressed by the Lane County Rural Comprehensive Plan while the four "Coastal Goals" are addressed by the Special Purpose Coastal Resources Management Plan. These are Goals 16 through 19 and apply to the concerns unique to the coastal area. While all the state goals apply to this area, in the case of conflicts between the "basic fifteen" and the coastal goals, the resolution should favor the coastal policies until one or the other conflicting statements are changed to eliminate the conflict (Page 3, Lane County Rural Comprehensive Plan).

Authority to amend comprehensive plans is found in state law as well as Chapter 12.050 and 16.400 of the Lane Code. Recognition that changes will be required over time to meet changing circumstances is generally found in all planning documents. The Coastal Resources Management Plan specifically acknowledges this need by the following statement found on page 3 of the Plan: "Because some coastal resource information utilized in this study is inadequate and in some cases in error, and because natural systems do experience change, further study and experience should allow for future MU boundary modification."

Given this background and recognition that change may be needed in the Plan's management units, criteria for evaluating the proposed changes are found in Lane Code 12.050 as well as Chapter 16.400, which identifies the Coastal Resources Management Plan as a "Special Purpose" Plan (LC 16.400[4][(b)[v]]), a component of the Lane County Comprehensive Plan. Components of the Plan are to be amended in accordance with the same procedures for amendment of the Rural Comprehensive Plan. The amendment criteria are as follows:

A. The amendment must meet all applicable requirements of state and county law.

The basic requirements for process, referral, hearing, and notification of this issue are found in law and are intended to be followed by the approval authority. Applicant addresses the relevant Statewide Goals and Guidelines as follows:

Goal 16 - Estuarine Resources. This goal is designed to recognize and protect unique values of each estuary and associated wetlands. It is also designed to appropriately develop and when appropriate restore values, diversity, and benefits of Oregon's estuaries.

Applicant proposes to amend a small portion of a management unit found in the Siuslaw River estuary. This proposed change is intended to allow bank restoration work in order to protect an existing upland development from bank erosion. The area of the estuary proposed for change has been identified as "Natural", reflecting the original need to protect and conserve the resources. Subsequent to the original designation, examination has revealed that the area identified as C-1 (the area proposed for change) contains no significant populations of clams or other marine animals (see Exhibit "E", letter from Oregon Department of Fish and Wildlife). This research has also been acknowledged by letter from the DLCD field representative, who also concurs in the designation change from "Natural" to "Conservation."

Goal 16 requires the creation of management units with "Natural" and "Conservation." The "Natural" unit does not include a wide variety of activities. The proposal to change to "Conservation" will allow the applicant to apply for a Conditional Use Permit for erosion control

structures or rip-rap to protect existing structures....” The conditional use procedure requires findings that the rip-rap is consistent with the resource capabilities of the area and with the purposes of the management unit. Therefore, approval of this request does not constitute authority to perform the bank repairs needed. The proposed change appears consistent with Goal 16 in that the resource values sought to be protected are no longer present in a portion of the estuary and a management unit designation change to “Conservation” would appear to better reflect existing conditions. No other changes to the estuary are proposed. In addition, findings and approvals must be developed before bank stabilization can occur, a process required by the goal.

Goal 17 - Coastal Shorelands. This goal is intended to conserve coastal shorelands and manage resources in a compatible way with the characteristics of the adjacent coastal waters. It is also intended to reduce hazards and adverse effects on Oregon’s coastal shorelands.

The proposal would change a portion of Shoreline Management Unit 1 from “Natural Resources Conservation” to Residential Development.” The goal sets forth basic categories of uses that are appropriate in the various types of management units. At the time the management units were applied, the area now known as Shelter Cove subdivision was undeveloped and outside the city of Florence. Since then, the area has been developed and annexed to the city. The “Residential Development” change to Shoreland Management Unit 1 is a more appropriate reflection of the changes. In addition, the original description of the Natural Resource Conservation boundary found on page 52 of the Plan does not include lands within the city limits of Florence.

Goal 17 would appear to be met as the proposed change to the Shoreland Management Unit 1 reflects a change in the physical development pattern since plan adoption. Additionally, the change which has occurred from rural to urban would be a basis for a change in the designation as proposed. No goal conflicts seem to arise with the applicant's proposal.

Goal 18 - Beaches and Dunes. The Beaches and Dunes goal is to conserve, protect where appropriate, develop, and where appropriate restore the resource and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

The Beaches and Dunes goal is not implemented with management units but rather by a broad overlay zone which sets out the manner in which developments should occur on the various dune forms in coastal Lane County. This Beaches and Dunes Combining Zone encompasses the area generally between Highway 101 and the ocean. The area of the application is covered. Procedures and requirements of the overlay zone must be followed by all new development as determined by Lane County staff. Presumably, these requirements would be part of a Conditional Use Permit procedure for the bank stabilization.

Goal 19 - Ocean Resources. The Ocean Resources goal is to conserve the long-term values, benefits, and natural resources of the near shore ocean and continental shelf. All ... activities which affect the territorial sea shall be ... managed ... to enhance the long-term benefits derived from the near shore oceanic resources of Oregon. Clear priority shall be given to the proper management and protection of renewable resources.

This goal speaks primarily to the need to protect ocean resources. The Siuslaw River Estuary is connected to the ocean and has the ability to influence the health and well-being of ocean resources. The record of this application shows the estuarine resource in area C-1 that once was present no longer exists. It is doubtful the proposal to change the designation of a portion of Estuarine Resources Management Unit C-1 will have a negative effect on the ocean resources protected by Goal 19.

B. The Amendment must meet a test:

1. Be necessary to correct an error in the application of the Plan

The errors in the Plan needing correction are caused by a change in circumstances. Activity by the US Army Corps of Engineers in rebuilding the entrance jetty to the mouth of the Siuslaw River and placing groins on the west side of the river to help keep the river in its current location has caused a magnification of wave action which has destroyed the small, inner jetty protecting the river bank and seriously eroded the river bank adjoining an existing residential development. At the time the residential development was approved, the severity of this problem was not fully recognized. As time has passed, the rate and severity of the erosion has continued to become more pronounced and now progressed such that existing residences are in potential danger of having the land form on which they sit erode beneath them. The desire of homeowners to preserve their homes and their investment is necessitating additional corrective actions along the river's edge for stabilization to respond to the conditions caused by the Army Corps of Engineers. In addition to the bank erosion problems, the Corps initiated changes that have prompted the destruction of the marine resources within the area shown as Estuarine Management Unit C-1. Both of these conditions are now present but were not when the Plan was adopted.

C. The amendment cannot conflict with the Policies of the Rural Comprehensive Plan.

Possible conflicts exist from existing Policies of the Coastal Resources Management Plan (CRMP) as follows:

“2. Critical bank stabilization shall be allowed only to protect structures existing as of October 7, 1977, and only after other methods of bank stabilization which are less destructive to the resource have been considered, or unless the unique value of the resource itself is in danger.”
(page 39, CRMP)

This policy was formulated and adopted prior to the time the severe bank erosion was recognized. Had it been recognized earlier, a different policy may have been enacted.

The artificial bank stabilization which is sought by this application must be subjected to the scrutiny of the Conditional Use Permit procedure where the opportunity exists to review and condition the effects of artificial bank stabilization.

The following Plan policy supports this request. “Because some coastal resource information utilized in this study is inadequate and in some cases in error, and because natural systems do experience change, further study and experience should allow for future MU boundary modifications.” (page 3, CRMP)

D. The Amendment must be possible within the existing structure of the Plan.

The proposed amendment is for a change in the designation of managements units in the Coastal Resources Management Plan. The concept of creating management units was first outlined in the language of Statewide Goal 16 and was followed by inclusion into the Lane County Coastal Resources Management Plan. Changes in the boundary of management units based on changed conditions are specifically recognized in the Plan as a desired feature.

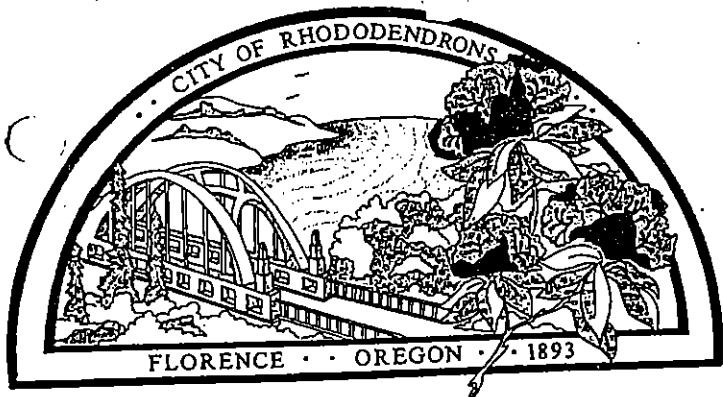
The existing Plan also recognized that there are multiple objectives being balanced - navigational, public, commercial and industrial water-dependent needs. In meeting these multiple objectives, values are balanced and can result in unanticipated impacts. Thus, the improvement of the Siuslaw River for navigation, extension of the jetties, placement of groins, and dredging created erosion impacts along the banks that was not anticipated.

The existing structure of the Plan of Natural Resources Conservation: Florence Urban and Urbanizable Lands allows for "Land divisions, including subdivisions and major and minor partitions shall be allowed providing the division and the subsequent use is consistent with the Comprehensive Plan designation, the requirements of the corresponding zoning district, and upon an affirmative finding, the land division and subsequent use are consistent with shoreland values as identified in this report and by on-site evaluation."

At the time the Shelter Cove subdivision was approved, the subdivision was consistent with the Florence Comprehensive Plan designation of Low-Density Residential. The site was also zoned low-density residential. The approval record contains evidence, provided by engineering consultants, that the use was consistent with shoreland

values. However, with the benefit of time, it is now apparent that shoreline erosion impacts were underestimated. The structure of the Coastal Management Plan acknowledges that new information may become available and changes may result from new information.

When the approval decision was made for the Shelter Cove development, it was predicated upon the best available information. The proposed requested amendment is consistent with the recognition that new information may become available and the established use policies within the Coastal Management Unit Plan. This Comprehensive Plan Amendment will thus allow a development to continue as envisioned by the Florence Comprehensive Plan and the Coastal Management Plan.



City of Florence

Community Development Department
Planning, Building Inspection and Economic Development

250 Highway 101
Florence, OR 97439-7628
TDD: (541) 997-3437

PH: (541) 997-8237
PH: (541) 997-2053
FAX: (541) 997-4109

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE PLANNING COMMISSION OF THE CITY OF FLORENCE, OREGON, AT 7:00 PM ON FEBRUARY 10, 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 CHAPTER 16 OF THE FLORENCE COMPREHENSIVE PLAN AND CHAPTERS II & III OF THE LANE COUNTY RURAL COMPREHENSIVE PLAN COASTAL RESOURCES MANAGEMENT PLAN

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'. THESE MANAGEMENT UNIT CLASSIFICATIONS DICTATE THE PERMISSABLE 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.



TRANSACTION REPORT
 FRI/JAN/16/2004 14:48

AX(TX)		RECEIVER			COM. TIME	PAGE	TYPE/NOTE	FILE
#	DATE	START T.					OK	G3 0725
01	JAN/16	14:46	Siuslaw News		0:02:05	3		

Coastal Resources 2 pgs

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE PLANNING COMMISSION OF THE CITY OF FLORENCE, OREGON, AT 7:00 PM ON FEBRUARY 10, 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 THE SIUSLAW RIVER DREDGED MATERIAL DISPOSAL PLAN

AMENDING TO ELIMINATE DISPOSAL SITES #14, #15, AND #16 FROM THE PLAN AS USABLE SITES. THE SITES ARE ADJACENT TO HOMES ON FIRST ST. (WEST OF BAY BRIDGE CONDOS). APPLICABLE CRITERIA ARE CHAPTER 16 OF THE FLORENCE COMPREHENSIVE PLAN 2000/2020 AND THE SIUSLAW RIVER DREDGED MATERIAL DISPOSAL 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 FEBRUARY 6, 2004 BY 5:00PM.

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.

Denise Ambrosio
 Denise Ambrosio, Planning Technician

MEMO

To: Ron
From: Kate
Date: January 12, 2003
Subject: Labels

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

MR 18-12-09

All properties within 300ft radius of lots 300, 400, 600, 602

MR 18-12-16-11

lots 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1599, 1600, 1700, 1800, 1900, 2000, 2100, 2200

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

MR 18-12-16-41

lots 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000

MR 18-12-15-22

lots 5300, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5901, 5902, 5903, 5907, 5908, and all properties that fall within a 300ft radius of lots 5400, 5500, 5600, 5700, 5904, 5905, 5906, 5909, 5910

MR 18-12-15-23

lots 201, 202, 203, 204, 205, 206, 300, 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, 1000, 1100

MR 18-12-15-32

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

MR 18-12-15-33

lots 200, 300, 400, 500, 600, 800, 1100, 1200, 3500, 3600, 3800 and all properties that fall within a 300ft radius of lots 700, 900, 1000, 3900, 4200, 4300, 4400, 4500, 4600

MR 18-12-15-34

All properties that fall within a 300ft radius of lots 3500, 3600, 3700

MR 18-12-16-00

All properties within 300ft radius of lots 300, 400

MR 18-12-22-22

lots 100, 500 and all properties that fall within a 300ft radius of lots 200, 301, 302, 400, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500

Also, please create labels for Res 04-02-10-6 (Dredged Materials Disposal Site review):

MR 18-12-34-12 (sites 15 & 16)

All properties within 300 ft radius of lots 8202, 8203, 8204, 8205, 8300, 8400

MR 18-12-34-21 (site 15)

All properties within 300 ft radius of lots 700, 800, 900, 1000, 1200, 1300, 1400, 1500, 1501, 1502, 1600, 1700, 1800, 1801, 1900, 2000, 2001, 2002, 2100, 2200, 2300, 2400

MR 18-12-27-33 (site 14)

All properties within 300ft radius of lots 201, 300, 301, 302, 304, 500, 600, 700, 800, 802, 803

MR 18-12-27-34 (site 14)

All properties within 300ft radius of lots 4500, 4601, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5401, 5500

The mailing date for both is 1/21/04.

Thank you!!

AGENDA ITEM 5

FEBRUARY 10, 2004

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:

Finding of Fact, Exhibit A

Text of Proposed Amendment, Exhibit B

Comprehensive Plan for the City of Florence, Chapter 16 - Estuarine Resources, Exhibit C

Lane County Rural Comprehensive Plan - Coastal Resources Management Plan, sections from Chapter II and III pertaining to Management units "C" and "1" - Exhibit D

ODFW Shellfish Project Leader Letter dated August-21, 2002, Exhibit E

"An Evaluation of Effects of Severe Bank Erosion on the Benthic Macroinvertebrate Community and General Habitat Conditions Near Shelter Cove Siuslaw River Estuary, Oregon", Exhibit F

"Shelter Cove Subdivision - Historic Erosion Report, Lower Siuslaw Estuary Florence, Oregon", Exhibit G

EXHIBIT "A"
FINDINGS OF FACT
(Resolution 04-2-10-5)

I. Proposal Description

1. **Proposal:** Amendments to the Florence Comprehensive Plan Chapter 16-Estuarine Resources and the Lane County Rural Comprehensive Plan- Coastal Resources Management Plan, 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".
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: Restricted Residential, Single Family Residential/Single Family Residential/
Natural Estuary District and Natural Resources Conservation Combining District
North: County- Single Family Residential
South: Single Family Residential/Single Family Residential/Development Estuary
District and Shorelands Mixed Development District
East: Single Family Residential/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 DLCD 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 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

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.

The two subject management units, as identified in the CRMP, are estuary management unit C and shoreland management unit 1. Estuary management unit C is classified as "Natural" because of its high biological and recreational value. Shoreland management unit 1 is classified as Natural Resource Conservation because of its aesthetic and recreational value, proximity to estuary management unit C, and the vulnerability of the terrace to landslides. Erosion of the bank has since resulted in changes to the estuarine ecology and, in particular, it has hastened the deterioration of habitat for unique species of clams that can no longer be found there. The city is evaluating a change to the estuary and shoreland management designations to reflect the current conditions of the area. The proposed change is from "Natural" to "Conservation" and from "Natural Resource Conservation" to "Residential Development," respectively.

In March of 1991, the Florence Planning Commission approved a proposal for a 116 unit subdivision, Shelter Cove, on top of the bluff adjacent to estuary management unit C. Shortly thereafter, property owners began to explore the possibilities for stabilizing the bank to slow the rate of erosion.

Under the CRMP Natural estuary management unit designation, rip-rap 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.

Under the CRMP Natural Resource Conservation shoreland management unit designation, 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.

At the request of Lane County Commissioner Dumdi, the Army Corps of Engineers performed a section 111 reconnaissance study of the bank's erosion. 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 project regardless.

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 comprehensive plan management unit designation of natural estuary C. 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. Ternyik. In August 2002, a field inspection of estuary management unit C 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 management unit C.

- III. Conclusions/Recommendations:** Due to a change in ecological conditions, the rationale for designating estuary management unit C as "Natural"- particularly the protection of clam species and habitat- no longer matches the conditions found in the area. The rationale for designating shoreland management unit 1 as "Natural Resource Conservation" is also no longer an accurate representation of the ecological conditions in the area. Staff therefore supports the proposed amendment 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".

TEXT OF PROPOSED AMENDMENT

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
2. Rationale:
 - a. ~~Fish rearing (particularly fall Chinook juveniles) and spawning;~~
 - b. ~~Seal haulout at upriver portion;~~
 - a. ~~Clam beds with species found only at this salinity level (i.e., piddock, gaper, cockle, and littleneck) predominantly outside of jetty;~~
 - b. ~~Seagrass and algae beds predominantly in Piddock Bay area;~~
 - c. ~~Area of high quality biological habitat with unique consolidated substrate;~~
 - d. ~~Low intensity recreational potential.~~
3. Discussion: ~~The salinity range in this MU near the mouth of the river is higher than the remainder of the estuary since the Siuslaw has a strong riverine influence. This factor causes the organisms found here to be much different than those in the remainder of the estuary. Seals are known to use the Cannery Hill area as a haulout and oceanic fishes can be found feeding here. The sand substrate is of high value for fish rearing, including fall Chinook juveniles. The recreational and economic importance of this area extends beyond the limits of the MU because of this fish rearing capacity. The abundance of clams is also of high recreational value.~~

DESIGNATION OF SHORELAND MANAGEMENT UNITS:

(1) Natural Resources Conservation:

- A. Extent: 1,000' from the estuary shoreline, extending from the beach on the west, east to Rhododendron Drive, excluding those platted areas adjacent to

Horizon Way and Harbor Vista Park; then continues south between the shoreline and Rhododendron Drive to the Florence city limits.

B. Rationale:

1. ~~Low area back from beach is a valuable aesthetic resource;~~
2. ~~Terrace subject to landsliding;~~
3. ~~Adjacent to biologically important part of estuary for clams, fish rearing and seal haulouts;~~
4. ~~Includes a County park and state-owned parking area;~~
5. ~~Significant public use of lowland portions for access to beach and jetty;~~
6. ~~Existing aquaculture.~~

C. Discussion: ~~The lowland adjacent to the beach appears to have been accreted after construction of the North Jetty, based on surveys made from 1883 to 1909. Dredge soil sites #1 and #2 as indicated in the Siuslaw River Dredged Material Disposal Plan (1978) are approved for this unit. As these soils are primarily clean sand, no apparent conflict exists. Revegetation would return the site to its present condition. A staging area would be located here in the event of construction or expansion of the north jetty.~~

~~Activities which occur in this area should provide for public access to the ocean and jetty as well as be visually in harmony with natural features of the site. The MU extends only 500' from the shoreline along the terrace as this encompasses the area with landsliding hazard.~~

Comprehensive Plan for the City of Florence 2000/2020
Chapter 16 ESTUARINE RESOURCES
SIUSLAW ESTUARY AND SHORELANDS

Background

In 1976, the state adopted four coastal goals in addition to the original 15 statewide land use goals. The new goals contained specific requirements for coastal planning, resulting in the compilation of the Lane County Coastal Resource Inventory and the preparation and adoption of a Lane County Coastal Resources Management Plan adopted in June 1980, and amended in 1982, 1983 and 1991. A separate study, the Siuslaw River Dredged Material Disposal Plan, adopted in 1978, provides for disposal sites, and policies for managing disposal of dredged materials from channel maintenance activities.

Both plans are included in Appendix 16 of the Plan to provide detailed guidance for Goal 16 related activities.

Consistent with Goal 16 requirements and the designations of the Siuslaw River as a Shallow Draft Development Estuary, the Coastal Management Plan classified estuarine areas as either Natural, Conservation or Development Management Units.

The Natural Management Unit is designated to assure the protection of significant fish and wildlife habitats, the continued biological productivity within the estuary, provide for educational and scientific needs and to maintain a level of diversity essential to provide for a long-term, dynamic ecosystem which can withstand a variety of pressures. All major tracts of saltmarsh, tideflats and eelgrass and algae beds will be found in this MU, as they are the areas of primary biological productivity without which the health of the entire estuary could not be maintained.

Uses within the "NATURAL" MU shall be of a low-intensity, undeveloped nature stressing minimal human impact. Recreational clamming and fishing are examples of acceptable uses within this MU.

The primary purpose of the Conservation Management Unit is preservation of long-term use of renewable resources which do not require major alteration of the estuary. The majority of the Siuslaw River estuary is included in this MU to reflect the predominately rural, sparsely developed nature of this estuary.

Although certain commercial and recreational uses may be consistent with the resource capabilities and purpose of this MU, each proposal will be evaluated on its potential for maintenance and enhancement of biological productivity.

The Development Management Unit provides for navigational, public, commercial and industrial water-dependent needs. The dredged navigation channel and the jetties are designated Development MU essentially responding to the existing situation. It will be necessary to effect a plan amendment for future uses requiring a Development designation.

Developmental activities can and have produced adverse effects on the Siuslaw Estuary. Sedimentation resulting from logging practices contributes to sedimentation of the dredge channel, necessitates more frequent dredging and adds to the turbidity of the water. Conversely, bank and streambed erosion can result when flow is constricted through the emplacement of bridge supports. In addition, industrial or residential development can cause further chemical and biological changes in the estuary.

When considering further development along the estuary, it will be necessary to review the individual and cumulative effects to determine further impacts both on the natural systems and the local economy.

The Coastal Management Plan also establishes Shoreland Management Units, of which only three are applicable within Florence and its UGB. These are:

Natural Resources Conservation: This designation, when applied to lands within the Urban Growth Boundary of the City of Florence, is provided to allow for human activities consistent with long-term use of natural resources in harmony with natural systems of the coastal shorelands and waters. This designation is meant to ensure that all changes occur with recognition of and respect for those natural systems. Activities which conserve or enhance resources are encouraged, as well as recreation and public access to the coastal waters. 3

Residential Development: This designation, when applied to lands within the city limits of Florence, recognizes 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 is that the residential character should remain undisturbed. Preservation and enhancement of riparian vegetation is a necessity along the estuary and coastal lakes, regardless of any development. Within the City of Florence, this plan designation shall be implemented through the Natural Resources Conservation Overlay District.

Mixed Use: This designation recognizes the value of commercial and industrial activities to the area. Existing mixed uses are located in this MU where appropriate, including existing residential uses in close proximity to commercial or industrial uses. For development purposes, shorelands have been divided by LCDC Goal # 17 into two categories: 1) urban and urbanizable lands; and 2) rural lands. Urban areas are managed by the City of Florence or Dunes City, and Lane County deals with urbanizable and rural shorelands. The very limited nature of available appropriate land for any public, commercial, or industrial activity of a water-dependent nature places a great burden the governing body to responsibly allocate any available lands for these uses. The long-term economic health of the area should dominate short-term personal gain.

An example of a mixed use area is the Waterfront/Marine District in Old Town, adopted as part of the Coastal Management Plan in 1991.

During this same time period and into the 1990's, there was extensive development of shorelands within Florence, some of which have developed severe bank erosion problems including potential for the loss of dwellings.

~~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 Macro invertebrate Community and~~

~~General Habitat Conditions near Shelter Cove, Siuslaw River Estuary and Shelter Cove Subdivisor 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, these requirements also apply.~~

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

DESIGNATION OF ESTUARINE MANAGEMENT UNITS

Proposed Amendments:

C. Conservation

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
2. Rationale:
 - a. Failure of the inner jetty structure has allowed wave action to seriously erode the sand bank, destroying clam beds, severely limiting spawning grounds for fisheries and degrading what was formerly identified as an "area of high quality biological habitat".
 - b. Seal haulout at the upriver portion still remains
 - c. Low intensity recreational potential
 - d. Abutting lands developed as urban density residential use. Bank erosion threatens several residences.
3. Discussion: The severe erosion of the high sand bank above the estuary has destroyed the clam beds and the majority of the spawning beds. The rate of erosion has increased significantly over recent years as the inner jetty continues to disintegrate, and wave action increases. This estuarine unit is located adjacent to Shelter Cove, a gated residential community. At the time the plat was approved in about 1991, lots abutting the cove were required to have a 150' setback from the riverbank. It has been reported to City staff that the depth of this setback has been reduced by about half due to severe bank erosion. Two homes are immediately endangered and additional homes will be as erosion continues. The change from Natural to Conservation will allow Shelter Cove owners and residents to apply for a bank stabilization project to decrease the rate of erosion, and to eventually reclaim the area as an area of improved biological habitat for clam beds, spawning and other marine life. Documentation of the disappearance of the habitat conditions supporting a Natural designation are found in the document titled, "An Evaluation of Effects of Severe Bank Erosion in the Benthic Invertebrate Community and General Habitat Conditions near Shelter Cove, Siuslaw River Estuary" and a second document titled, "Shelter Cove Subdivision Historic Erosion Report, Lower Siuslaw Estuary".

DESIGNATION OF SHORELAND UNITS

1. Residential (Natural Resources Conservation Overlay District)
 - A. Extent: 1000 feet from the estuary shoreline, extending from the beach on the west, east of Rhododendron Drive for the entire shoreline of Shelter Cove Subdivision.

B. Rationale:

1. Adjacent lands developed as a residential subdivision.
2. Terrace is subject to severe landsliding and slumping
3. The area of high quality biological habitat has been destroyed by eroding sand
4. Low public usage of the beach due to difficulty of access and danger from bank erosion.

4. C. Discussion: The severe erosion of the high sand bank above the estuary has destroyed the clam beds and the majority of the spawning beds. The rate of erosion has increased significantly over recent years, as the inner jetty continues to disintegrate, and wave action increases. This estuarine unit is located adjacent to Shelter Cove, a gated residential community. At the time the plat was approved in about 1991, lots abutting the cove were required to have a 150' setback from the riverbank. It has been reported to City staff that the depth of this setback has been reduced by about half due to severe bank erosion. Two homes are immediately endangered and additional homes will be as erosion continues. The change from Natural Resources Conservation to Residential will allow Shelter Cove owners and residents to apply for a bank stabilization project to decrease the rate of erosion, and to eventually reclaim the area as an area of improved biological habitat for clam beds, spawning and other marine life. Documentation of the disappearance of the habitat conditions supporting a Natural designation are found in the document titled, "An Evaluation of Effects of Severe Bank Erosion in the Benthic Invertebrate Community and General Habitat Conditions near Shelter Cove, Siuslaw River Estuary" and a second document titled, "Shelter Cove Subdivision Historic Erosion Report, Lower Siuslaw Estuary".