

**FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
Exhibit "A"**

Public Hearing Date: January 14, 2025
Application: PC 24 29 CPA 01 & PC 24 41 TA 02

I. PROPOSAL DESCRIPTION

Proposal: An application requesting:

1. Amendment of Comprehensive Plan diagram "Map 17-1: Estuary & Coastal Shorelands Management Unit in the Florence UGB", changing properties from Development Estuary Management Unit F to Residential Shoreland Management Unit 3; and a Zoning Map Amendment from Development Estuary to Old Town Area A for properties east of Juniper St. Right of Way and south of Bay St. known as Map Reference 18-12-34-12 Tax Lots 8000 and 8100.
2. Amendment of Zoning Text in FCC Title 10 Chapter 17 Old Town Area A to add multi-unit, single unit attached and detached, duplex, tri-plex, and four-plex development as outright exclusive permitted uses for properties within a specific distance from residential zoning or having a Residential Shoreland MU overlay.

Applicant: Chris Leturno

Property Owners: A & D Bay Street, Chris Leturno under contract to purchase

Location: 1.6-acres south of Bay St. east of Juniper Street right of way, north of the Siuslaw River

Site: Map # 18-12-34-12, Tax Lot 8000 and 8100

Comprehensive Plan Map Designation: Downtown

Zone Map Classification: Development Estuary (DE) and Old Town Area A (OTA)

Surrounding Land Use / Zoning:

Site: Vacant building / DE and OTA
North: Single Unit Detached Dwellings / OTA
South: Siuslaw River / DE
East: Vacant land and Siuslaw Estuary / OTA and DE
West: Multi-Unit Attached Residential (Bay View Condominiums) / OTA

Streets / Classification:

West – Juniper St. (under-developed) / Local; East – Kingwood St. Collector; South – None; North – Bay St. / Local/Collector

II. NARRATIVE:

Background: In 2008, Ordinance 1, Series 2008 was adopted rewriting Florence City Code Title 10 Chapter 17, Old Town District designating three geographical locations--Areas A, B and C. The subject properties are designated Area A. In 2009, Ordinance 10, Series 2009 was adopted rewriting Comprehensive Plan Chapters 16 and 17 and Florence City Code Title 10 Chapter 19 as part of completing Periodic Review for Goals 16, 17 and 18. The subject properties are zoned Development Estuary with a Shoreland Residential Overlay District. The properties also have a Tsunami Hazard Overlay and are located within the flood plain.

Proposal: The application includes three requests. The first two are related and thus included within the same resolution number. The third has a separate resolution number. These three requests are as follows: 1. For the two abutting properties described above, rezone them from Development Estuary District to Old Town District Sub Area A to match the zoning of the northern portion of the properties. 2. Amend "Map 17-1: Estuary & Coastal Shorelands Management Unit in the Florence UGB", changing the properties from Development Estuary Management Unit F to Residential Development Shoreland Management Unit 3. 3. Amend Zoning Text in FCC Title 10 Chapter 17 Old Town Area A to add multi-unit, single unit attached, duplex, tri-plex, and four-plex development as permitted uses for properties within a specific distance from residential zoning or having a Residential Shoreland MU overlay.

The applicant contends that their properties zoned Development Estuary are misclassified and should instead be Old Town Area A, with these changes reflected in the Comprehensive Plan in diagram Map 17-1. In response the change should only apply to land above the Mean Higher High Tide and may also require amendments to text within the Comprehensive Plan Chapters 16 and 17 within the respective sections to update references and descriptions of the properties. The zoning code text amendment is being requested to permit housing as exclusive "Permitted Uses" if within a certain distance of a residential district or within a Residential Development Management Unit. Old Town District Area A currently permits all of the requested housing types as part of a mixed-use development, under Section C. "Prohibited Uses": *"Residential: multi-unit, single unit attached, duplexes, tri-plexes, four-plexes (unless part of mixed-use development as listed in permitted or conditional uses)" and the same but for single unit attached.* If approved these lines would be revised to add the Residential Development language.

Process and Review: The code does not include a comprehensive plan amendment even if applied to a single or limited number of properties as a quasi-judicial procedure. Thus, the comprehensive plan amendment and associated zone map change are designated as having a Type IV land use procedure requiring hearings before both Planning Commission and the City Council. The zoning text amendment affects a limited number of properties and is being classified as a quasi-judicial zone change, which follows a Type 3 land use procedure also requiring two hearings. The requests are being processed concurrently and thus utilize the broader noticing requirements of the Type 3 procedure, which includes property owner noticing as well as media noticing. The applicable criteria are listed below.

III. NOTICES & REFERRALS:

Noticing: On December 24, 2024, signage was posted on the subject properties and notice was mailed to surrounding property owners within 301 feet of the property. The public hearing notice was published in the January 1, 2025 edition of the Siuslaw News.

Testimony was received and is included as attachments to the findings.

Referrals: Referrals were sent to U.S. Army Corps of Engineers, Department of Land Conservation and Development, Division of State Lands, Oregon Department of Fish and Wildlife, Port of Siuslaw, and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

IV. **APPLICABLE REVIEW CRITERIA**

Florence City Code:

Title 10: Zoning Regulations, Chapters

Chapter 1, Zoning Administration: Sections 1-4-E & G, 1-5, 1-6-3, 1-6-4, 1-8-C, 2-2, and 3

Chapter 2, General Zoning Provisions, Section 2, 6, 7, 13

Chapter 7, Special Development standards, Sections, 2, 3, 5, 6-A-2 & 6-D-1 & 6, 7

Chapter 8, Nonconforming Lots and Uses, Sections 1, 5, 6

Chapter 17, Old Town District, Sections 1, 2, Figure 17-1, 17-A, 17-B, 17-C

Chapter 19, Estuary, Shorelands, and Beaches and Dunes, Sections 1, 4, 5, 6

Realization 2020 Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Chapter 1, Citizen Involvement:

Chapter 2, Land Use: Policies 1, 4, 7, Commercial: Policy 10, Other Plan Designations Policies 1 & 2, Downtown Section

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources, RTESS, Scenic Resources and Visual Quality, Policy 1, 5H1,

Chapter 7: Development Hazards and Constraints, Policies 1, 4, Earthquake & Tsunami, Reducing Dev. Risk Policies 1 - 6 & Appendix 7: DOGAMI Local and Distant Source Tsunami Inundation Maps (TIMs), Hazards Map,

Chapter 11: Utilities and Facilities

Chapter 12: Transportation, Policy 14,

Chapter 16: Siuslaw River Estuarine Resources, Policies 1, 2 and 18

Chapter 17: Coastal Shorelands: Ocean, Estuary, and Lake Shorelands, Policies 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 15, 16, Map 17-1,

Lane County Coastal Resource Inventory, 1978; Coastal Resource Management Plan

Oregon Revised Statutes (ORS): 197.175, 197.250, 197.253, 197.610, 197.615, 197.763, and 227.175

Oregon Statewide Planning Goals | Oregon Administrative Rules (OAR 660-011, 660.015, 660-18-0005)

Goal 1, Citizen Involvement; Goal 2: Land Use Planning; Goal 5: Natural Resources, Goal 11, Public Facility Planning; Goal 12 Transportation, Goal 16: Estuarine Resources, and Goal 17: Coastal Shorelands

V. **FINDINGS**

Code criteria are listed in **bold**, with responses beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-4: APPLICATION:

- A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.**
- B. Applicability of Review Procedures: All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision-making process for that permit or approval. There are four types of approval procedures as described in subsections 1-4 below. Table 10-1-1 lists some of the City's land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.**

[...]

- 3. Type III (Quasi-Judicial) Procedure (Public Hearing). Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.**

The application was submitted on a City of Florence land use form. The nature of the text amendment and zone change proposals require a Type III (Quasi-Judicial) procedure with a public hearing whereby notice is provided. The notification procedures meet the requirements of FCC 10-1-1-5.

[...]

E. Traffic Impact Studies:

- 1. Purpose of Traffic Impact Study: The purpose of a Traffic Impact Study is to determine:**
 - a. The capacity and safety impact a particular development will have on the City's transportation system;**
 - b. Whether the development will meet the City's minimum transportation standards for roadway capacity and safety;**
 - c. Mitigating measures necessary to alleviate the capacity and safety impact so that minimum transportation standards are met; and**
 - d. To implement section 660-012-0045(2)(e) of the State Transportation Planning Rule.**
- 2. Criteria for Warranting a Traffic Impact Study: All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment to the Comprehensive Plan, zoning map, or zoning regulations; a change in use; or a change in access, if any of the following conditions are met:**
 - a. A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.**

- b. Any proposed development or land use action that may have operational or safety concerns along its facility(s), as determined by the Planning Director in written findings.
 - c. The addition of twenty-five (25) or more single-family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.
 - d. [...]
 - e. [...]
3. **Traffic Study Requirements:** In the event the City determines a TIS is necessary, the information contained shall be in conformance with FCC 10-35-2-5, Traffic Study Requirements.

The proposal includes a change in zoning and requires a traffic study in accordance with the Transportation Planning Rule. The application includes a traffic impact study completed by Sandow Engineering that identified an increase in traffic and change in peak hour traffic impact. This criterion regarding submission of a TIS has been met.

G. Changes in the law: Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

The application was deemed complete on November 27, 2024. That date shall be used for assessing compliance with all laws.

10-1-1-5: GENERAL PROVISIONS

A. 120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)

...

B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.

2. When proceedings are consolidated:

a. The notice shall identify each application to be decided.

b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development.

Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.

- c. **When appropriate, separate findings shall be prepared for each application. Separate decisions shall be made on each application.**

These are procedural criteria required of the city and have been met.

- C. **Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:**

- 1. **Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.**

- a. **The required forms.**
- b. **The required, non-refundable fee.**
- c. **The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.**

- 2. **Completeness.**

- a. **Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.**
- b. **Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above.**
- c. **Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.**

- d. **Coordinated review.** The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

These are procedural criteria required of the city and have been met.

D. City Planning Official's Duties. The City Planning Official (Director) or designee shall:

1. **Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions.**
2. **Accept all development applications that comply with the requirements of this Chapter.**
3. **Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report and findings may also provide a recommended decision of: approval, denial; or approval with specific conditions that ensure conformance with the approval criteria.**
4. **Prepare a notice of the proposal decision:**
 - a. **In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of decision is issued.**
 - b. **In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven (7) days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 10-1-1-6-1 (Type I), 10-1-1-6-2 (Type II), 10-1-1-6-3 (Type III), or 10-1-1-6-4 (Type IV).**

These are procedural criteria required of the city and have been met.

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:

- A. **Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**
- B. **Notification of Hearing:**
 1. **At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**

2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

C. Notice Mailed to Surrounding Property Owners - Information provided:

1. The notice shall:

- a. Explain the nature of the application and the proposed use or uses which could be authorized;
- b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;
- c. Set forth the street address or other easily understood geographical reference to the subject property;
- d. State the date, time and location of the hearing;
- e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;
- f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;
- h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

These are procedural criteria required of the city and have been met.

E. Action by the Planning Commission:

1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.

2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
 3. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**
- F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.**

The requests for changes to zoning and plan amendments require Planning Commission review with a public hearing and therefore represent both Type III Quasi-judicial and Type IV Legislative process. Once the recommendation has been made by the Planning Commission, a 2nd public hearing will be held by the City Council. The appeal body for this application is the Land Use Board of Appeals.

10-1-1-6-4: A. TYPE IV PROCEDURE (LEGISLATIVE) A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

- A. **A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.**
- B. **Pre-Application Conference: A pre-application conference is required for all Type IV applications initiated by a party other than the City of Florence.**
- C. **Timing of Requests: The City Council may establish a calendar for the purpose of accepting Type IV requests only at designated times. The City Council may initiate its own legislative proposals at any time.**
- D. **Notice of Hearing:....**

Except for Section B, these are procedural criteria required of the city and have been met. The applicant requested and participated in a pre-application for a proposed conversion to residential use on one of the properties. The applicant then applied for the comprehensive plan changes and zone amendments for both properties.

10-1-3: AMENDMENTS AND CHANGES:

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

B. Type III (Quasi-Judicial) Changes:

1. Initiation: A quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by application of a property owner within the affected area, by a person having substantial ownership interest in the property, by resolution of the Planning Commission or motion of the City Council, and also by individual citizens or citizen groups during Plan update as provided in The Comprehensive Plan.

2. Application Fees: When proceedings are initiated by a property owner, filing fees shall be collected. The schedule of application fees shall be established by the City Council by resolution. The fee charged shall be no more than the average cost of providing service.

3. Notice and Public Hearing: Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-6.

4. Planning Commission Review: The Planning Commission shall review the application for quasi-judicial changes and shall receive pertinent evidence and testimony as to why or how the proposed change is consistent or inconsistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance and is or is not contrary to the public interest. The applicant shall demonstrate that the requested change is consistent with the Comprehensive Plan and Zoning Ordinance and is not contrary to the public interest.

C. Type IV (Legislative) Changes:

1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990)

These procedural criteria required of the city have been met. The applicant paid the requisite fees and filed the required application and materials.

CHAPTER 2 GENERAL ZONING PROVISIONS

10-2-2: SIMILAR USES: When the term "other uses similar to the above" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same section.

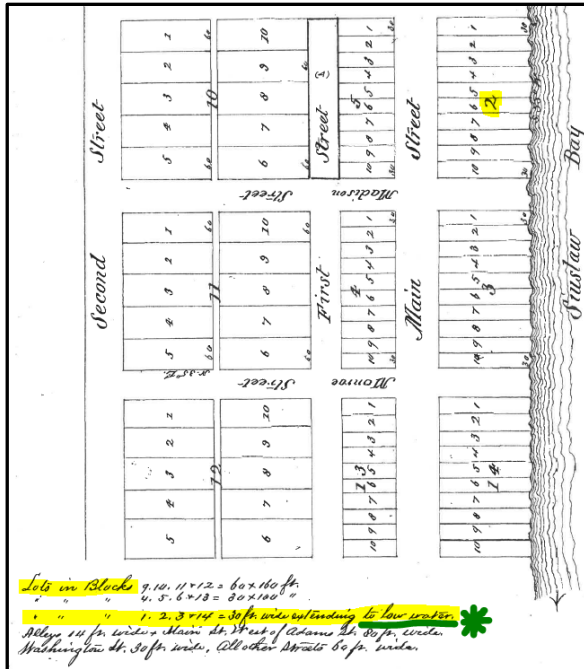
10-2-6: WHO MAY APPLY: In general, only the owner of a subject property may apply for action by the Planning Commission under the provisions of this Title. Others may also apply for action as long as the owner has indicated consent with the application by either signing the application or by submitting a letter or lease to that effect. An individual who has entered into an earnest money agreement to buy a property is considered to have an ownership interest for the purposes of this Title.

10-2-7: CONTRACT PURCHASERS DEEMED OWNERS: A person or persons purchasing property under contract, for the purpose of this Title, shall be deemed to be the owner or owners of the property covered by the contract. The City may require satisfactory evidence of such contract of purchase.

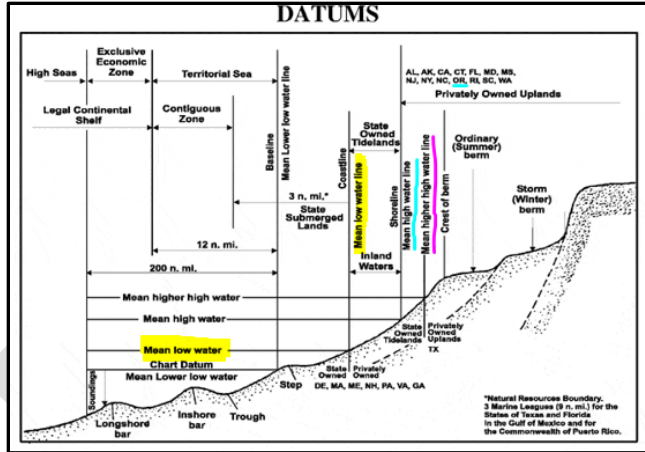
The applicant is under contract to purchase the properties from the owners A & D Bay Street.

10-2-13: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

The zone change consideration from Development Estuary to Old Town District and resulting extension of the Residential Shorelands Overlay District southward relies upon identifying the boundary between the Development Estuary and the Residential Shoreland Overlay. FCC 10-19 states the DE is intended to apply to navigation channels, sub-tidal areas for in-water disposal of dredged material, major navigational appurtenances, deep-water areas adjacent to the shoreline.... FCC 10-2-13 defines shoreline as: The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark. The applicant has provided several documents to illustrate the location of the mean high higher water. These include a survey document prepared by Chris Moorhead and a Lane County GIS map compilation of several layers. The MHHW on these and other source documents range from 7.41 to 8.5 ft. The relationship of this boundary is illustrated below in pink with the applicant's legal property lines in yellow. This location of the applicant's property lines is not typical of all shoreland properties which frequently extend to just the mean high water line shown in blue. Thus, the deed language and the original plat are included below for background and land use application continuity purposes.



Beginning at a point South 54° 47' 20" East 103.00 feet from the most Northerly corner of Block 2 of the ORIGINAL PLAT OF FLORENCE, as platted and recorded in Book T, Page 181, Lane County Oregon Deed Records, said point being on the Northerly line of said Block 2; thence leaving said Northerly line South 35° 12' 40" West 323 feet more or less to the low water line of the Siuslaw River; thence Southeasterly along said low water line to the Easterly line of Lot 3, Block 2 of said plat; thence along said Easterly line North 35° 12' 40" East 317 feet more or less to the Northerly line of said Block 2; thence along said Northerly line North 54° 47' 20" West 137.00 feet to the point of beginning, in Lane County, Oregon.



CHAPTER 7 SPECIAL DEVELOPMENT STANDARDS

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with wetlands or riparian areas and potential problem areas, such as natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. Compliance with these standards is required in order to obtain a permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. (Amended Ord. No. 10, Series 2009)

10-7-2: IDENTIFICATION OF WETLANDS AND RIPARIAN AREAS AND POTENTIAL PROBLEM

AREAS: At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

- A. "Hazards Map", Florence Comprehensive Plan Appendix 7.
- B. "Soils Map", Florence Comprehensive Plan Appendix 7.
- C. "Beaches and Dunes Overlay Zone." See Chapter 19 for overlay zone requirements. Where conflicts exist between that chapter and this one, the more restrictive requirements shall apply.
- D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian

Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.

- E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)**

10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS: The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

[...]

- A. Special Flood Hazard Area: All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.**
- D. Ocean Flooding, Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).**

[...]

As shown in the applicant's materials and the City's Tsunami Inundation Maps (TIMs) and FIRM the properties lie within the Special Flood Hazard Area, and are subject to Ocean and Tidal Flooding as well as high Tsunami inundation risk. The applicant notes in their narrative that the city has policies in code to address both problem/hazard areas. This is accurate. It is noted for the record that the applicant provided a flood plain permit application with the application materials by November 27, 2024. They also provided building permits for conversion of the restaurant building on the same date. FEMA's PICM measures took place on December 1st. Submittal of permitting prior to the date makes the codes and laws in effect at the time applicable to the properties.

10-7-5: DEVELOPMENT STANDARDS FOR TSUNAMI HAZARD OVERLAY AREAS

The properties are located within the Medium and XXL Tsunami Inundation areas and thus are in the Tsunami Hazard Overlay. The entirety of the code is pasted below for the purpose of consideration of the requested zone text amendments.

The application proposes to add language to Old Town District Sub-Area A (FCC 10-17A-2-C Prohibited Uses) changing the requirement for residential units (attached and detached) to be part of a mixed-use development to permitting them as exclusive uses if they are within the Shoreland Residential Overlay District. Presently, existing exclusive single detached residential units are grandfathered in Old Town Area A. There are no developed single unit detached residential units within the Residential Shoreland Overlay District that would benefit from this change. The requirement for residential when developed to be part of a mixed-use development directly supports the purpose of Subarea A by increasing the amount of property available for activities like shopping, entertainment and water-related activities for visitors and residents of Florence.

The tsunami overlay criteria limit the allowable density of residential units to 10 units per acre. As it

relates to the applicant's properties (.9 and .7 acres (1.6 acres)) the 10 unit per acre density limit would permit 9 units on one lot and 7 on the another, 16 total.

Since the properties are not already zoned to permit housing outside of a mixed-use development, increasing the opportunity to place more units in a hazard zone seems counterintuitive to the purpose of the Tsunami Overlay Zone stated below. The intention is to limit or eliminate the exposure to public emergency facilities and services and also limit the number of people temporarily and permanently residing within the overlay as shown in the criteria below that limit residential density, the number of hotel rooms and assisted living units.

Additionally, the tsunami overlay offers exemption criteria whereby a development could receive a density exception per the Section "F" below. The state has passed legislation offering mandatory modifications or exemptions that offer the opportunity to increase density further. Using these creates additional sq. ft. available for more residential units. Modifications and exceptions used such as building height and reductions in parking, open space, landscaping, and stormwater retention then further the available density to an amount much greater than that gained by simply being able to not have to construct mixed use. The inherent tsunami hazard risk could then be exacerbated as more people are habituating in the tsunami overlay area which purposefully restricts the numbers of people.

A. Purpose. The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source (Cascadia Subduction Zone) tsunami by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section are intended to limit, direct and encourage the development of land uses within areas subject to tsunami hazards in a manner that will:

- 1. Reduce loss of life;**
- 2. Reduce damage to private and public property;**
- 3. Reduce social, emotional, and economic disruptions; and**
- 4. Increase the ability of the community to respond and recover.**

Significant public and private investment has been made in development in areas which are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct and encourage new development and redevelopment such that, over time, the community's exposure to tsunami risk will be reduced.

B. Definitions. Terms used in this subsection are defined within FCC 10-2-13.

C. Applicability of Tsunami Hazard Overlay Zone. All lands identified as subject to inundation from the Extra Extra Large (XXL) magnitude local source tsunami event as set forth on the applicable Tsunami Inundation Map(s) (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) are subject to the requirements of this section.

D. Uses. In the Tsunami Hazard Overlay Zone, except for the prohibited uses set forth in FCC 10- 5- E, all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.

E. Prohibited Uses. Unless authorized in accordance with FCC 10-7-5-G, the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:

- 1. In areas identified as subject to inundation from the Extra Extra Large (XXL) magnitude local**

source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:

- a. Hospitals and other medical facilities having surgery and emergency treatment areas.
- b. Fire and police stations.
- c. Structures and equipment in government communication centers and other facilities required for emergency response.
- d. Buildings with a capacity greater than 250 individuals for every public, private, or parochial school through secondary level or child care centers.
- e. Buildings for colleges or adult educations schools with a capacity of greater than 500 persons.
- f. Jail and detention facilities.

2. In areas identified as subject to inundation from the Medium (M) magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:

- a. Tanks or other structures containing, housing or supporting water or fire suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures.
- b. Emergency vehicle shelters and garages.
- c. Structures and equipment in emergency preparedness centers.
- d. Standby power generating equipment for essential facilities.
- e. Covered structures whose primary occupancy is public assembly with a capacity of greater than 300 persons.
- f. Medical facilities with 50 or more resident, incapacitated patients.
- g. Residential uses, including manufactured home parks, of a density exceeding 10 units per acre.
- h. Hotels or motels with more than 50 units.

3. Notwithstanding the provisions of FCC 10-8, the requirements of this subsection shall not have the effect of rendering any lawfully established use or structure nonconforming.

F. Use Exceptions. A use listed in FCC 10-7-5-E may be permitted upon authorization of a Use Exception in accordance with the following requirements:

1. Public schools may be permitted upon findings that there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.
2. Fire or police stations may be permitted upon findings that there is a need for a strategic location.

3. Other uses prohibited by FCC 10-7-5-E may be permitted upon the following findings:

- a. There are no reasonable, lower-risk alternative sites available for the proposed use;
- b. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and
- c. The buildings will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake and tsunami event.

4. Applications, review, decisions and appeals for Use Exceptions authorized by this subsection shall

be in accordance with the requirements for a Type III procedure as set forth in FCC 10-1-1-6-3.

G. Evacuation Route Improvement Requirements. Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Evacuation Route Plan. Such measures shall include:

- 1. On-site improvements:**
 - a. Improvements necessary to ensure adequate pedestrian access from the development site to evacuation routes designated in the Evacuation Route Plan in all weather and lighting conditions.
 - b. Frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Evacuation Route Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.
 - c. Where identified in the Evacuation Route Plan as the only practicable means of evacuation, tsunami evacuation structure(s) of sufficient capacity to accommodate the evacuation needs of the proposed development.
- 2. Off-site improvements:** Improvements to portions of designated evacuation routes that are needed to serve, but are not contiguous to, the proposed development site, where such improvements are identified in the Evacuation Route Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.
- 3. Evacuation route signage** consistent with the standards set forth in the Evacuation Route Plan. Such signage shall be adequate to provide necessary evacuation information consistent with the proposed use of the site.
- 4. Evacuation route improvements and measures** required by this subsection shall include, at a minimum, the following:
 - a. Improved streets and/or all-weather surface paths of sufficient width and grade to ensure pedestrian access to designated evacuation routes in all lighting conditions;
 - b. Improved streets and paths shall provide and maintain horizontal clearances sufficient to prevent the obstruction of such paths from downed trees and structure failures likely to occur during a Cascadia earthquake; and
 - c. Such other improvements and measures identified in the Evacuation Route Plan.
- 5. When it is determined that improvements** required by this subsection cannot be practicably accomplished at the time of development approval, payment in lieu of identified improvements shall be in accordance with FCC 8-5-1.

H. Tsunami Evacuation Structures.

- 1. All tsunami evacuation structures** shall be of sufficient height to place evacuees above the level of inundation for the XXL local source tsunami event.
- 2. Tsunami evacuation structures** are not subject to the building height limitations of this chapter.

I. Flexible Development Option.

- 1. The purpose of the Flexible Development Option** is to provide incentives for, and to encourage and promote, site planning and development within the Tsunami Hazard Overlay Zone that results in lower risk exposure to tsunami hazard that would otherwise be achieved through the

conventional application of the requirements of this chapter. The Flexible Development Option is intended to:

a. Allow for and encourage development designs that incorporate enhanced evacuation measures, appropriate building siting and design, and other features that reduce the risks to life and property from tsunami hazard; and

b. Permit greater flexibility in the siting of buildings and other physical improvements and in the creation of new lots and parcels in order to allow the full realization of permitted development while reducing risks to life and property from tsunami hazard.

2. The Flexible Development Option may be applied to the development of any lot, parcel, or tract of land that is wholly or partially within the Tsunami Hazard Overlay Zone.

3. The Flexible Development Option may include any uses permitted outright or conditionally in any zone, except for those uses prohibited pursuant to FCC 10- 7-5-D.

4. Overall residential density shall be as set forth in the underlying zone or zones. Density shall be computed based on total gross land area of the subject property, excluding street right-of-way.

FCC TITLE 10, CHAPTER 17: OLD TOWN DISTRICT AREA A

10-17A-1 PURPOSE FOR AREA A: Old Town Area A is intended as the primary tourist destination, which provides for shopping, entertainment and water-related activities for visitors and residents of Florence

The application proposes to add language to Old Town District Sub-Area A (FCC 10-17A-2-C Prohibited Uses) changing the requirement for residential units (attached and detached) to be part of a mixed-use development to permitting them as exclusive uses if they are within the Shoreland Residential Overlay District. Presently, existing exclusive single detached residential units are grandfathered in Old Town Area A. There are no developed single unit detached residential units within the Residential Shoreland Overlay District that would benefit from this change. The requirement for residential when developed to be part of a mixed-use development directly supports the purpose of Subarea A by increasing the amount of property available for activities like shopping, entertainment and water-related activities for visitors and residents of Florence. Reducing the land available for these uses by permitting exclusive housing in an economic district does not support the purpose of the district and policies of the Comprehensive Plan. The Old Town District is discussed in both the residential and “other” categories of the comprehensive plan. These properties are two of five un/underdeveloped properties in the Old Town Sub Area A District. Also, they are the only two vacant properties in the Old Town District with an abutting Development Estuary Overlay. The comprehensive plan includes policies to support preservation of property in sufficient quantities to ensure land available for those uses.

Old Town Area B is stated to be an area of mixed use residential intended to provide a transition between the waterfront visitor attractions (of Old Town Area A) and the Events Center campus, with Quince/2nd Street (Old Town Area C) as the pedestrian-friendly link between these key areas. Sub Area B permits residential units attached and detached as primary uses on a lot. This sub area has only 7 or so properties within the Shoreland overlays and flood zone rather than 30 like OTA.

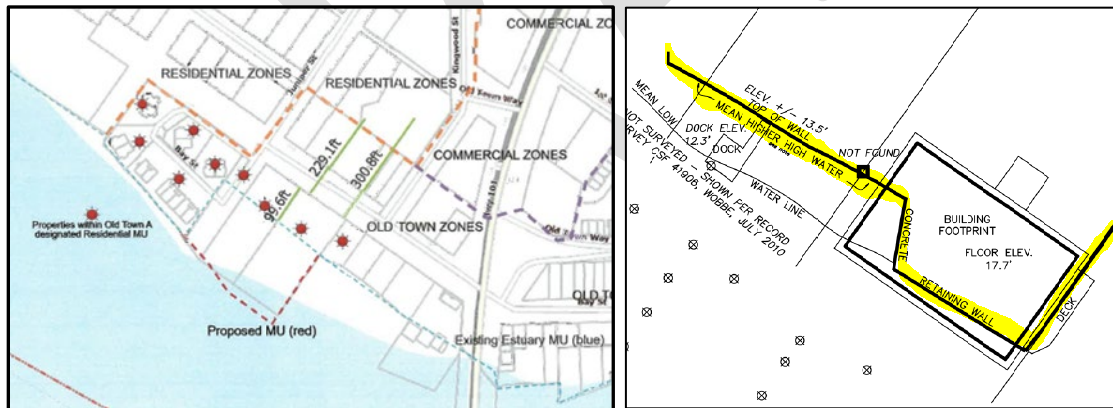
FCC TITLE 10, CHAPTER 19: ESTUARY, SHORELANDS, AND BEACHES AND DUNES

10-19-4: DEVELOPMENT ESTUARY DISTRICT (DE):

A. Purpose and Extent: The primary purpose of the Development Estuary District (DE) is to provide for navigational needs and public, commercial and industrial water-dependent uses which require an estuarine location. Uses which are not water dependent which do not damage the overall integrity or estuarine resources and values should be considered, provided they do not conflict with the primary purpose of the District. The DE District is designed to apply to navigation channels, sub-tidal areas for in-water disposal of dredged material, major navigational appurtenances, deep-water areas adjacent to the shoreline and areas of minimal biological significance needed for uses requiring alteration of the estuary. These are as defined on the City Zoning Map as specified by this Title.

FCC 10-2 defines "Shoreline" as "The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark."

The properties contain a bulkhead along the southern edge of the land portion of the properties. The bulkhead wraps around the eastern property line of the eastern property and also to the west within the Juniper St. Right of Way. This barrier has created the effect of preventing the mean higher high tides (or any known tides) onto the property. The area underneath the building and behind the bulkhead is not completely filled leaving area open for utility access. However, because the tidewaters cannot access this area except as maybe ground water it is not included for consideration as DE zoning. Therefore, all of the land north of the bulkhead that is not subject to inundation with a mean higher high tide event shall be rezoned from Development Estuary to Old Town Area A. The portion of the building that are south, east and west of the bulkhead would remain in the Development Estuary District, see bottom right image (yellow line) compared to the one on the left (red dashed line). This finding was also made in 1987 when the design review was approved. (Condition)



B. Permitted Uses: Activities and uses permitted outright in the estuary throughout all portions of Development Estuary Districts are as follows, provided that these specific uses and activities do not involve dredge or fill:

- 1. Maintenance of existing riprap and other erosion control structures which are currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance shall not increase the size, extent, or scope of the structure or otherwise alter the estuary.**

2. **Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing dock or pier or otherwise alter the estuary.**

F. Conditional Uses: Outside of Areas Managed for Water Dependent Activities....

2. Flood and erosion control structures such as jetties, bulkheads, seawalls, and groin construction, may be installed and maintained, and riprap may be installed and expanded; provided all such uses are needed to protect existing uses or uses specifically allowed in this Code section

3. Navigation and water-dependent commercial enterprises and activities, including docks and piers to support existing uses or uses specifically permitted in this Code section

10. Water-related uses, non-water-dependent uses, and non-water-related uses, provided no dredge or fill is involved and it is not possible to locate the use on an upland site....

The properties do not have any approved uses as the eastern site has been vacant for over 23 years and the marina docks removed over 13 years ago. The subject properties include the following improvements in the DE District. The status of the improvements related to the above criteria follow:

- A cement bulkhead is installed the entire width along the shoreline between the low and mean high tide lines. The bulkhead was likely installed sometime in the late 60's after the first building permit was issued for the site in 1962. A 1964 archive photo shows the site with paved parking and a small commercial structure for an RV park with visible sand fill extending south and east, indicating the bulkhead had not yet been installed.

Therefore, the existing bulkhead can be maintained in accordance with B-1 above but if becomes unserviceable a new bulkhead will need to meet the criteria in F-2 by supporting water dependent uses or uses not able to locate upland in order to be replaced.

- Pilings are installed both in tidelands supporting the building and in the submerged lands that previously hosted a marina whose docks were removed sometime prior to 2012. The pier and observation deck that previously served the marina remain and originate from the western property. During a site visit on December 28th its railing and decking was observed to be deteriorating from exposure and apparent vandalism.

The existing pier and pilings can also be maintained. If they need to be replaced the site will need to meet the criteria in F-3 by supporting uses permitted in the DE District (water dependent uses or uses not able to locate upland) in order to be replaced. Docks need to be a commercial enterprise (marina) in order to be placed back with the pilings in the DE District.

- The building and associated improvements formerly used as a restaurant were constructed in 1988. An approximate, 20 ft. depth of building and 5 ft. of decking that is located on the pilings south and east of the bulkhead is within the DE District. It totals around 2000 sq. ft. Survey records indicate approximately 8.5 ft of deck width extends east from the building over the adjacent property under different ownership past the bulkhead. This deck area is also in the DE District.

When the existing building was constructed, it was zoned with a Shoreland Overlay that has since changed (Natural Resource Conservation/NRC). The 1987 findings for the restaurant found the use to be water related. The resulting decision (remand or upheld) was not found in the archives. The 1987 resource analysis found the property was too compromised from past development, that predated Goal 16 and 17 existences, to impact natural resources. ODFW found the same to be true of the tidelands and thus had no concern for shading the river with the pier and building placement. An appellant for a LUBA appeal countered this interpretation. The building if still in service as a restaurant would be a pre-existing non-conforming use under the current criteria for the DE District and Residential Shorelands.

E. Conditional Uses in Areas Managed for Water Dependent Activities:

The subject properties are not located within the areas designated as “Areas Managed for Water Dependent Activities”. As stated, and shown in the Comprehensive Plan Chapters 16 and 17 the water dependent managed areas are on the Port of Siuslaw property east of the bridge and the Lane County property to the northwest and west of Rhododendron Dr. Therefore, the analysis required under OAR 660-037-0090 is not required with an associated zone change from DE to OTA.

10-19-6: SHORELAND RESIDENTIAL OVERLAY DISTRICT /SR

A. Purpose: The Shoreland Residential Overlay District (/SR) is applied to residential development management units in the Comprehensive Plan along the Siuslaw River Estuary and Munsel Lake (a Coastal Lake). It is the purpose of the /SR Overlay District to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal water. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

The /SR District is specifically designed to carry out the following purposes:

- 1. Protection of such natural resources as soil and such natural systems as drainage courses and waterways.**
- 2. Enhancement of renewable resources such as the coastal fisheries.**
- 3. Allow for recreation and public access to coastal water.**

The site is adjacent to an Estuary District; therefore, the shoreland uses (Shoreland Residential Overlay District (/SR)) apply as well as the Estuary Zoning criteria. The properties include and are adjacent to properties zoned with the Shoreland Residential Overlay District on the west and east sides. It is therefore in this context appropriate, with the zone change from DE to OTA, that the existing Residential Shoreland Overlay District on the northern portion of the properties extend southward to apply to land abutting the Mean Higher High Water Mark or bulkhead as applicable. The properties are however, devoid of renewable and natural resources through the decades-long existence of fill, shoreline hardening, and absence of native vegetation. They have been committed to commercial uses with the placement of a public marina, RV park

and later a restaurant. These as well as the neighboring properties are better suited to the Mixed Use Shoreland Overlay to better support the abutting DE District. However, the applicant and the neighboring property owners have not requested this change. These properties are the only two vacant properties in the Old Town District with an abutting Development Estuary Overlay. The comprehensive plan includes policies to support preservation of property in sufficient quantities to ensure land available for those uses. In the future rezoning and redesignation to Mixed Use Shoreland Overlay should be evaluated.

Ordinance No. 10 Series 2009 adopted changes as part of periodic review work task for coastal goals. It resulted in updating the historic NRC overlay to its present designation. The process found that the assignments of many of the shorelands and estuary districts to be erroneous or outdated. Thus, many map and code changes were made that had the effect of a complete review of Chapter 19 and Chapters 16 and 17 of the comprehensive plan. The text from those findings is below that explains why the change was made. The change to the current Residential Shorelands Overlay was made recently during the last periodic review and no new development has happened in the area since the more lenient overlay was assigned. NRC is more restrictive. The current development patterns, existing development were all considered when making this assignment. Also, of note is that the analysis for this amendment occurred a year after a rewrite of Old Town District FCC 10-17 adopted as Ordinance 1, Series 2008. The shoreland overlay revisions were being considered by the CD Staff, Planning Commission and City Council in succession with the permitted uses and designation of the subareas in the Old Town District.

Residential Development and Natural Resources Conservation MUs

These MUs, as currently set out in the CRMP and City overlay districts, do not match the land use characteristics or development patterns in the city limits or the UGB. The CRMP and City Code, as currently adopted, recognize this inconsistency and, to address this problem, specify that the Natural Resource Conservation Overlay Zoning would apply to Residential Development MUs in the Florence city limits. This is confusing, at a minimum, and inaccurate. The Proposal in Exhibits B and C is for areas in the City with the Residential Development MU classification in the Comprehensive Plan to carry a "Shorelands Residential" Overlay Zoning District classification. This merely renames the overlay zoning for these properties that is now in place (i.e., "Natural Resources Conservation") to a title that is consistent with the MU and the purpose of the MU; and is therefore also consistent with the intent of the policy. It is also intuitive and thus easier to administer.

B. Permitted Uses: In addition to uses specifically allowed in the adjacent Estuary District, the following structures and uses, and no others, are permitted outright when consistent with all of the requirements of the adjacent Estuary District and applicable site development requirements listed in subsections E and F:

3. Uses and buildings permitted outright in the base zoning district.

D. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted, subject to approval by the Planning Commission. The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, when consistent with all of the requirements of the adjacent Estuary District and applicable site development requirements listed in subsections E and F and upon satisfaction of the following applicable criteria.

1. **All buildings and uses allowed conditionally or by special permit in the base zoning district, except where expressly prohibited by this Section, subject to the following criteria:**
 - a. **All applicable criteria provided within the base district are met.**
 - b. **Surface, subsurface and aquifer waters are protected from pollution and sedimentation.**

The uses occupying the portion of the non-DE portions of the building and site can be from those listed as permitted and conditional in FCC 10-17-A with the receipt of applicable land use permits and a design meeting subsections E and F. Old Town Area A permits mixed uses with Commercial and Residential uses outright in the district. As requested by the applicant a text amendment would be needed to locate exclusive residential uses on these properties.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2-5: Traffic Study Requirements: The City may require a traffic study prepared by an Oregon registered professional engineer with transportation expertise to determine access, circulation, and other transportation requirements in conformance with FCC 10-1-1-4-E, Traffic Impact Studies.

- A. **The Traffic Impact Study shall:**
 1. **Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.**
 2. **Utilize the analysis procedures of the Highway Capacity Manual, latest edition.**
 3. **Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.**
 4. **Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.**
 5. **Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city's adopted Level-of-Service standards. The study shall also propose funding for the proposed mitigation measures.**

The application includes a Traffic Impact Analysis (TIA) performed by Sandow Engineering. This firm concluded no traffic controls were warranted. The TIA is being peer reviewed, whose conclusions will be available at the City Council hearing. Two points with the TIA include that there is no Figure #5, rather Figure 6 is inserted twice. Another is that PM Peak (4pm – 5pm) is used which is typical. However, for the marina use this is less likely the peak time for that use as recreational fishing is the predominate use of the marinas. Fish runs occur in the mornings.

VII. CONCLUSION

1. Resolution--PC 24 29 CPA 01:

- a. Amendment of Comprehensive Plan diagram “Map 17-1: Estuary & Coastal Shorelands Management Unit in the Florence UGB”, changing properties from Development Estuary Management Unit F to Residential Shoreland Management Unit 3;

Amend “Map 17-1: Estuary & Coastal Shorelands Management Unit in the Florence UGB” to change the land on the properties east of Juniper St. Right of Way and south of Bay St. known as Map Reference 18-12-34-12 Tax Lots 8000 and 8100 that designated Development Estuary Management Unit and are located above the mean higher high tide line to Residential Shoreland Management Unit 3, to include amending language in Comprehensive Plan Chapters 16 and 17 to remove inconsistencies in descriptions of the properties or boundaries.

- b. Zoning Map Amendment from Development Estuary to Old Town Area A for properties east of Juniper St. Right of Way and south of Bay St. known as Map Reference 18-12-34-12 Tax Lots 8000 and 8100.

Amend the City of Florence Zoning Map to change properties east of Juniper St. Right of Way and south of Bay St. known as Map Reference 18-12-34-12 Tax Lots 8000 and 8100 that are zoned Development Estuary and are located above the mean higher high tide line to Old Town Area A

2. Resolution --PC 24 41 TA 02: Amendment of Zoning Text in FCC Title 10 Chapter 17 Old Town Area A to add multi-unit, single unit attached and detached, duplex, tri-plex, and four-plex development as outright exclusive permitted uses for properties within a specific distance from residential zoning or having a Residential Shoreland MU overlay.

Do not amend the zoning text as proposed because the affected properties are located within hazard and potential risk areas of the Tsunami Hazard Overlay District the Special Flood Hazard Area as classified in Florence City Code Title 10 Chapter 7. Additionally, the two properties are the only un/underdeveloped properties remaining in Old Town Area A with an abutting Development Estuary District and two of three un/underdeveloped properties in the Downtown Plan Designation with an abutting Development Estuary District that are not classified and reserved for exclusive Water Dependent Uses.