

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 13 10 CUP 04

A REQUEST FOR A CONDITIONAL USE PERMIT, to repair and update an existing dock within the Single-Family Residential (RS) zone district regulated by Section 10-11, Florence City Code, and any alterations affecting the waterfront is within the Conservation Estuary (CE) zone district regulated by Section 10-19-3, Florence City Code. The dock is located at 3465 Rhododendron Drive, Florence, OR (Tax lot# 18-12-22-00900).

WHEREAS, application was made by Brian Perleberg of Northern Resource Consulting Inc. on behalf of Steve Kuly, for a Conditional Use Permit as required by FCC 10-19-3-D, FCC 10-1-1-4, FCC 10-4-3, and

WHEREAS, the Planning Commission met in a public hearing on October 8, 2013 as outlined in Florence City Code 10-1-1-5, to consider the application, evidence in the record, and testimony received, and

WHEREAS, the Planning Commission determined per FCC 10-4-9 and FCC 10-1-1-5-E, after review of the application, testimony and evidence in the record, as per FCC 10-19,10-4, 10-11, and 10-7, that the application meets the criteria through compliance with certain Conditions of Approval; and

WHEREAS, the Planning Commission of the City of Florence finds, based on the Findings of Fact, staff recommendation and evidence and testimony presented to them, that the application meets the applicable criteria.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for a Conditional Use Permit to repair and update an existing dock meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan. The Planning Commission approves the conditional use permit with the conditions listed below:

Conditions of Approval:

1. Approval for shall be shown on:

- A. *Findings of Fact*
- B. Exhibit B: Site Plan

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to the interior or ADA access which are regulated by

Building Codes, will require approval by the Community Development Director or Planning Commission or other city official as specified in City Code.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the Owner agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The property owner shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval within 30 days after the signing of the resolution.
3. The old wooden piles that have been identified to be removed must be removed and disposed of in a DEQ approved landfill or transfer site that allows such disposal.
4. The applicant must adhere to the following conservation measures:
 - 1) The dock will be surfaced with 60 percent grating to allow light penetration to the water below.
 - 2) Compliance with the defined in-water work period of November 1 to February 15 or as set by DSL or Army Corps of Engineers in an approved Joint Permit Application.
 - 3) Marine mammals and ESA-listed fish are present from April to July during peak migration periods; these time periods will be avoided for the in-water work of driving the piling.
 - 4) Have a trained marine mammal observer watch for marine mammals at the job site while vibratory pile driving occurs.
 - 5) Use the minimum size piles necessary to support the floating structure and the gangway (12-inch-diameter pile)
 - 6) New dock, new materials and the removed dock will be transported from local launch to the site by water. No materials or construction equipment will be employed from land to ensure minimal bank impact
5. All federal and state permit requirements, including mitigation requirements, are met. If a state or federal agency requires amendments to the project design an application to modify this Conditional Use permit will be required.
6. Development associated with the dock must meet the requirements of the FEMA National Flood Insurance Program.
7. To minimize the impacts of odor, noise, vibration and unsightliness, the applicant shall adhere to the following:
 - Contractor will work for no more than 7 days installing the project.
 - Noise, and vibration from the impact and vibratory hammer for installation of each of the pile will last no more than 4 hours per pile)

- The site must be kept as clean
 - Work will not start before 8:00 AM and will cease by 5:00 P.M. and occur during only Monday through Friday.
8. If vegetation removal is required for the project, the applicant must investigate the necessity for a vegetation removal permit, due to the property's location along Rhododendron Drive and potential scenic view implications (as per FCC 4-6-3). If applicable, the applicant must obtain a vegetation removal permit.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 8th day of October, 2013.

CHERYL HOILE, Chairperson
Florence Planning Commission

DATE

STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT

Public Hearing Date: October 8, 2013 **Planner:** Jacob Callister
Date of Report: September 30, 2013
Application: PC 13 10 CUP 04 Dock Replacement 3465 Rhododendron

I. PROPOSAL DESCRIPTION

RESOLUTION PC 13 10 CUP 04: request for a conditional use permit to replace and update a dock within the Siuslaw River/Estuary.

Applicant: Steve Kuly

Representative: Brian Perleberg, Northern Resource Consulting, Inc.

Property Owner: Steve Kuly

Location: Map Reference 18-12-22-22, Tax Lot 900

Zoning Map Classification: Single Family Residential and Estuary, Shorelands, and Beaches and Dunes Overlay District.

Surrounding Land Use/Zoning

North: Single Family Residential
South: Single Family Residential/Development Estuary
East: Mobile Home/Manufactured (Across from Rhododendron Street)
West: Siuslaw River (Conversation Estuary)

Streets/ Classification:
Rhododendron Drive

II. NARRATIVE

The existing dock is in need of repair and update. The current dock will be removed and transported to the local landfill. A new 480 square foot wooden dock will be constructed to replace the current dock (Exhibit B). This wood dock will be floated using poly-encapsulated floats with grates to allow 60 percent light penetration. The dock will be secured to three 12-inch steel piling, two existing and one new.

The current wooden and aluminum ramps will be replaced with two, 4 feet x 40 feet aluminum ramps. The wooden stairway will be repaired. The ramp is currently supported by four 12-inch wooden pilings, requiring replacement. Two of the four pilings are below the ordinary high water mark (OHWM) in tidal water

and the remaining two are above the OHWM. A fifth and new piling is proposed and will be driven to compliment the two steel pilings already in place to help secure the new dock. This piling would be below the OHWM in tidal water. All new pilings are 12-inch steel piling with anti-perch caps. The creosote wooden piling will be pulled, and the new piling will be driven using a vibratory and impact hammer with sound dampening block. BMPs included in Programmatic Biological Evaluations SLOPES IV will be followed for project implementation (Exhibit E).

All construction will be performed from a floating barge. New dock, new materials and the removed dock will be transported from local launch to the site by water. No materials or construction equipment will be employed from land to ensure minimal bank impact.

III. NOTICES AND REFERRALS

Notices:

On September 13, 2013, the public hearing notice was mailed to property owners within 300 feet of the property. The meeting notice was published in the Siuslaw News on October 2, 2013. As of this writing, the City has not received any written comments.

Referrals:

Referrals were sent to the Florence Building Department, Florence Police Department, Central Lincoln PUD, Florence Public Works Department, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Siuslaw Valley Fire and Rescue, Florence Code Enforcement, Florence Public Works, Western Lane Ambulance District, State Historic Preservation Office, Department of State Lands, and U.S. Army Corps of Engineers.

On September 17, 2013 Mike Miller, City of Florence Public Works Director, commented that Public Works has no objections to the dock replacement project with the understanding that the old wooden piles that have been identified to be removed are removed and disposed of in a DEQ approved landfill or transfer site that allows such disposal. (Exhibit D) **(Condition 3)**

On September 11, 2013, Siuslaw Valley Fire and Rescue Marshall, Sean Barrett noted that the “fire has no concerns or comments on this conditional use permit.”

IV. APPLICABLE REVIEW CRITERIA

Florence Realization 2020 Comprehensive Plan Lane County Coastal Resource Management Plan Florence City Code (FCC)

- Title 10, Chapter 1, Zoning Administration
- Title 10, Chapter 4, Conditional Uses
- Title 10, Chapter 7, Special Development Standards

V. FINDINGS

The criteria are listed in bold followed by the proposed findings of fact.

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

10-19-1-B RESOURCE CAPABILITY ASSESSMENT:

1. Purpose: Uses Requiring a Special Use Permit (Administrative Review) or Conditional Uses in the Natural Estuary (NE) and Conservation Estuary (CE) Districts are allowed only if determined to be consistent with the Resource Capabilities of the area and the purpose of the management unit in which the use or activity occurs. The purpose of this subsection is to establish a procedure for making a Resource Capabilities Assessment. Major activities or uses in the estuary may require an Estuarine Impact Assessment. Those uses do not also require this Resource Capability Assessment.

Response: The proposed activity requires a Conditional Use Permit, and therefore a Resource Capability Assessment is required.

2. Definition of Resource Capability Assessment: An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. Definitions specific to Estuary Management Units (MUs) are as follows:

- b. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when it is able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.**

Response: The proposed project location is within the Conservation Estuary District nearly bordering the Development Estuary District (Exhibit B). The project purpose is seasonal recreational use, with crabbing along the shoreline. The effects of over-the-water structures have been studied for several years, and several studies have shown negative effects of shading in freshwater zones within shallow water areas defined as less than 15 to 20 feet deep. This project incorporates grating to counteract the effect of shading in the shallow marine waters, which is favored by state and federal agencies and commonly referred to as a conservation measure.

The project will have no influence on the riparian habitat within or above the tidally influenced zone of the lower Siuslaw River because there is no intensification of use of the connection point to the shore.

The Oregon Coast Coho Salmon will migrate through this section of the Siuslaw River in late spring and early summer (April to July) without any change in the river ecology at

the project location. The proposed project will allow continued recreational enjoyment of the lower Siuslaw River, estuary and ocean activities, and having little change in aesthetics along the shoreline. There is no expectation of net loss of biological productivity of this section of the lower Siuslaw River by installation of this residential dock structure. Recreational and aesthetic values will be maintained for future generations to enjoy the lower Siuslaw River. There are no known active aquaculture sites where fish are raised (net pens) or shellfish harvest that would be affected by implementing this residential dock project.

3. Identification of Resources and Impacts: The required assessment need not be lengthy or complex, but it should enable reviewers to gain a clear understanding of the impacts to be expected. The application for a proposed use or activity in which a resource capability determination must be made shall submit information on the following. The Planning Director may waive inapplicable items for any particular use or project.

a. The type and extent of alterations expected.

Response: The dock and associated access will be replaced in whole (Exhibit B). This will include the two sections of walkway to access the dock, the 96 square feet of floating dock and four steel pilings. The walkways and piling will be replaced in kind with a new larger dock and one additional piling installed. There will be a net increase of 384 square feet of overwater structures and a net benthic (river bottom) impact of .785 square feet. Due to the newly proposed dock grating of 60 percent, the actual underwater shading created by the new dock at five times the size of the original will only be double the amount as before (192 square feet).

b. The type of resources affected. The type of resources likely to be affected by the proposed action shall be inventoried. The City shall assist the applicant in locating sources of information. Sources which can be used include: Lane County Coastal Resources Inventory, environmental impact statements for the Siuslaw River, or other published information concerning the Siuslaw estuary, or more current resource information from federal or state agencies, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians or other public sources.

Response: Resources in the area including but not limited to federally listed Coho Salmon, recreational fishing, boating, swimming, water transportation of goods, ecological functions, etc., are not expected to have a permanent negative impact or effect from the proposed dock maintenance project. The project will be implemented during a time, November 1, 2013 to February 15, 2014, when it is least likely that the Oregon Coast Coho Salmon will be migrating through the project location from April to July. It is expected that minor amounts of turbidity will result from piling installation though this will be temporary and only while pilings are installed; no long-term effects are expected from elevated localized turbidity.

c. The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources,

recreation and aesthetic use, navigation and other existing and potential uses of the estuary.

Response: It is not expected that the dock maintenance project will have any permanent or long-term negative influence or effect on water quality, living resources, recreation, shoreline aesthetics, navigation, or any other uses within the estuary. Oregon Coast Coho Salmon migrate through this section of the river April to July, though are unlikely to be present during project implementation. Additionally, it is unlikely that spawning or rearing habitat exists at the project location. Temporary water quality impacts will result from turbidity during installation; typically any sediment re-suspended settles out within 20 to 30 minutes within a few meters of the project site. The project is on the shoreline outside of any navigational channel and is replacing an existing dock with an updated, safer, and functional dock (Exhibit B). The impacts associated with the project include a net benthic disturbance of .785 square feet and a net increase of 384 square feet for the dock. Pile installation and removal will require less than 5 to 6 hours.

d. The methods which could be employed to avoid or minimize adverse impacts. Where adverse impacts have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts.

Response: Installation of piling will be performed using a vibro/impact hammer to reduce the effects of underwater sound pressure levels (SPLs). The pile-driving equipment used is the smallest rated vibro/impact hammer with an effective range of 120 dB RMS (root mean squared) to 165 dB RMS. The effects of sound on fish are varied. Behavioral effects to fish resulting from pile-driving noise may include avoidance of the area, changes in migratory routes, delayed migration, or interruption of spawning. Juvenile salmonids and other fish species may move away from protected shoreline habitat because of increased noise, making them more susceptible to predation. The noise also may increase predation on small fish by masking the sound of approaching predators (Anderson 1990). Attempts to quantify the level of sound at which these effects occur are few and largely inconclusive (Hastings & Popper 2005).

NMFS's current pile-driving noise thresholds for fish less than 2 grams in size are a peak pressure of 206 dB and an accumulated sound exposure level (SEL) of 183 dB. For fish larger than 2 grams, thresholds are a peak pressure of 206 dB and an accumulated SEL of 187 dB. These limits (the "harm" thresholds) are based on their potential to cause physical injury.

In addition, a 150 dB root mean square (RMS) threshold (the "harassment" threshold) for potential behavioral effects also is applied. Oregon Coast Coho Salmon would be affected at the "harassment" threshold level of 150 dB RMS (190 dB PEAK) but under the threshold level that causes physical "harm" of 206 dB PEAK. Aquatic disturbances or changes from baseline conditions: The lower Siuslaw River, in the summer and winter months is an active place with boat traffic, currents, tides, and waves creating in-water noise up to 100 RMS to 120 dB RMS occurring throughout much of the year. NMFS has established an underwater noise disturbance threshold of 120 dB RMS for

non-impulse contentious industrial noises (such as those generated by vibratory pile driving) for cetaceans and pinnipeds.

For this project the applicant has shown that vibratory pile driver, while operating during pile installation and extraction, is likely to generate SPLs above the disturbance threshold for marine mammals (California and Steller Sea Lions). Steller Sea Lions' current "harassment" threshold level is set at 150 dB RMS (190 dB PEAK), but under the threshold level that causes physical "harm".

The applicant has proposed the following conservation measures, which have been included as **Condition 4**:

- 1) The dock will be surfaced with 60 percent grating to allow light penetration to the water below.
- 2) Compliance with the defined in-water work period of November 1 to February 15.
- 3) Marine mammals and ESA-listed fish are present from April to July during peak migration periods; these time periods will be avoided for the in-water work of driving the piling.
- 4) Have a trained marine mammal observer watch for marine mammals at the job site while vibratory pile driving occurs.
- 5) Use the minimum size piles necessary to support the floating structure and the gangway (12-inch-diameter pile)

4. Resource Capability Assessment: Information on resources present and impacts to be expected will be evaluated as part of the Special Use Permit or Conditional Use Permit procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination, and will be used whenever possible to reduce duplication of effort between agencies.

Response: The implementation of the project will not impair the function of the estuary ecosystem as a composite, though it may have a temporary minor effect with turbidity plumes from pile installation though this will be short term. Oregon Coast Coho Salmon migrate through the project site typically April to July.

5. Resource Capability Findings: Unless fully addressed during the development and adoption of the Comprehensive Plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources. Based on the analysis of resources and impacts, one of the following findings shall be concluded in approving the use permit, otherwise it shall be denied:

- a. The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or**

Response: Docks are a conditionally allowed use within the Conservation Estuary District (FCC 10-19-3-D(2)).

- b. The impacts of the use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or**

Response: The proposed project would not have a significant impact on estuarine species, habitats, biological productivity, or water quality due to the limited in-water work period, duration of the proposed project, grated decking on the dock, and minimized piling installation. Oregon Coast Coho Salmon migrate in the Siuslaw River late spring into early summer, April to July, and are not likely to be present during project implementation. The net impact on the project would be one additional piling (.785 square feet) and 480 square feet of 60 percent grated decking resulting in an increase of underwater shading by 96 square feet or double the size of the original dock though having a surface five times as large (Exhibit B).

- d. In the Conservation Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.**

Response: The proposed project location is within the Conservation Estuary District, nearly bordering the Development Estuary District (Exhibit B). The project will have no influence on the riparian habitat within or above the tidally influenced zone of the lower Siuslaw River. The Oregon Coast Coho Salmon will migrate through this section of the Siuslaw River in late spring and early summer, April to July, without any change in the river ecology at the project location. The proposed project will allow continued recreational enjoyment of the lower Siuslaw River, estuary and ocean activities, and result in little change to aesthetics along the shoreline.

6. Notification of Agencies: Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:

- a. U.S. Fish and Wildlife Service**
- b. U.S. Environmental Protection Agency**
- c. U.S. Army Corps of Engineers**
- d. National Marine Fisheries**
- e. Oregon Dept. of Fish and Wildlife**
- f. Oregon Dept. of Land Conservation and Development**
- g. Oregon Department of State Lands**
- h. Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.**

Response: The Department of State Lands and Army Corps of Engineers Joint Application is circulated through the resource agencies which include public notices which are dispersed to the affected tribes, along with state and federal agencies.

10-19-3 CONSERVATION ESTUARY DISTRICT

D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the CE District, and upon satisfaction of all of the applicable criteria in F and G, and below. A Resource Capability Assessment is required as set forth in FCC 10-19-1-B, except for major projects requiring an Estuarine Impact Assessment as set forth in FCC 10-19-1-C.

- 2. Water dependent uses requiring occupation of water surface are by means other than dredge or fill (e.g., on pilings or floating). Including mooring buoys which are permanently anchored to estuary floor, dolphins, docks, and piers and other such uses.**

Response: The applicant is proposing changes to their existing dock. If the applicant were making no change to the size and design of the dock, the use (repairs and maintenance) would be permitted outright. Since the size and design are changing, the proposal is a conditional use and requires a conditional use permit.

F. Dredging and fill and other activities which could potentially alter the estuary are prohibited in this District except as expressly permitted through a Special Use Permit or Conditional Use Permit in Sections C and D. When allowed in C or D, these uses or activities shall meet all of the following criteria:

- 1. No feasible alternative upland locations exist;**

Response: For the desired use, water access, no appropriate alternative upland location exists.

- 2. The activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in C and D above**

Response: The Resource Capability Assessment provides a thorough evaluation of the impacts of the dock improvements, finding that the impacts are not significant where they occur (and as mitigation is proposed).

- 3. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as allowed in C or D, rip; and fill, whether located in the waterways or on shorelands above ordinary high water**

mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

Response: The Resource Capability Assessment provides a thorough evaluation of the impacts of the dock improvements to the waterway and shoreland, finding that the impacts are not significant where they occur (and as mitigation is proposed).

- 4. Dredge or fill activities must be mitigated, if found to be subject to the mitigation requirement in state law, by creation, restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary such as its natural biological productivity, habitats and species diversity, unique features and water quality; and**

Response: The applicant has a concurrent joint fill/removal permit with the Army Corps of Engineers and DSL. The applicant's Resource Capability Assessment provides a thorough evaluation of the impacts of the dock improvements to the waterway and shoreland, finding that the impacts are not significant where they occur (and as mitigation is proposed).

- 5. All federal and state permit requirements, including mitigation requirements, are met as a condition of approval.**

Response: This provision will be included as **Condition 5**

G. Public and private piers and docks, shall meet the following additional criteria:

- 1. The size and shape shall be limited to that required for the intended use.**

Response: The proposed size of the dock is comparable to nearby existing docks. The use is identified as recreational and the applicant has noted that the dock was designed to provide more stability (usability) for this use (current and future). The current dock isn't sufficiently stable for safe recreational use or foot traffic due to the prevailing waves.

- 2. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.**

Response: The applicant provided a written analysis of alternatives as part of their Joint Fill/Removal Permit. The alternatives included A) Demolition and removal of the existing dock and B) Repair of the existing structure with no change to the dock footprint. The applicant concludes that both alternatives are not preferable. The alternatives and conclusions are included in their entirety on pg. 4 of Exhibit G, Joint Fill/Removal Permit.

3. For private, individual, single-purpose docks and piers, the applicant shall attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

Response: The applicant has provided a statement attesting to the necessity of expanding the existing dock (under 2 above). The applicant also notes within his written statement that the alternative to abandon the current dock (which necessitates improvement or demolition) would be significantly detrimental to his property value, and would necessitate environmental impacts that would exceed those accompanying the current proposal. Staff feels that the applicant's written statement addresses the feasibility of establishing a joint dock-use arrangement with neighboring property owners.

FCC TITLE 10: CHAPTER 4: CONDITIONAL USES

10-4-9: GENERAL CRITERIA: A conditional use permit may be granted only if the proposal conforms to all the following general criteria: (Ord. 669, 5-17-82)

A. Conformity with the Florence Comprehensive Plan.

Chapter 16: Siuslaw River Estuarine Resources

Policy 1: The Lane County Coastal Resource Inventory (Appendix 16) and amendments shall serve as the definitive document for inventory data related to Goal 16 Estuarine Resources, except as the inventory is updated through processes prescribed in this Comprehensive Plan and the Florence City Code. This Comprehensive Plan is consistent with CRMP policies related to the Siuslaw River Estuary within the Florence UGB.

Policy 3: This Plan and the implementing Code shall provide for appropriate uses, including preservation, with as much diversity as is consistent with the Siuslaw Estuary's classification as a Shallow Draft Development Estuary by the Oregon Estuary Classification, as well as with the biological, economic, recreational, and aesthetic benefits of the estuary.

Policy 4. This Plan shall protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality.

Response: The Resource Capability Assessment provides a thorough evaluation of the impacts of the dock improvements to the waterway and shoreland, finding that the impacts are not significant where they occur within the Conservation Estuary District (and as mitigation is proposed). The assessment provides a thorough and

comprehensive evaluation of the potential resource impacts, and does so in a manner consistent with the Lane County Coastal Resource Inventory.

Policy 5. Actions which could potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological re-sources. The assessment shall include information on the following:

- a. the type and extent of alterations expected;**
- b. the type of resource(s) affected;**
- c. the expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other allowed uses of the estuary; and**
- d. the methods which could be employed to avoid or minimize adverse impacts.**

Response: The Resource Capability Assessment provides a thorough evaluation of the impacts of the dock improvements to the waterway and shoreland, finding that the impacts are not significant where they occur within the Conservation Estuary District (and as mitigation is proposed)..

Policy 13: In addition to the goals, policies, and recommendations in this Chapter, provisions in Chapter 7, Development Hazards and Constraints, and Florence City Code Title 10, Chapter 7: Special Development Standards shall also apply as they relate to river cut-banks and erosion along the estuary.

Policy 3 within Chapter 7, Development Hazards and Constraints, of the Florence Comprehensive Plan, outlines the requirement for new development in flood prone areas to meet the requirements of the Flood Insurance Program. **(Condition 6)**

Policy 14: The Management Units (MUs) Natural Estuary, Conservation Estuary, and Development Estuary, as described in this Chapter of the Comprehensive Plan, shall apply to the estuary within the Florence UGB as shown in "Map 17-1: Estuary and Coastal Shoreland Management Units in the Florence UGB." Chapter 16: Estuarine Resources Page XVI- 4 Implementation requirements in Lane Code Chapter 10 Zoning Districts shall apply to these MUs within the Florence UGB, outside city limits; and Florence City Code Title 10, Chapter 19, shall apply within Florence city limits.

Policy 17: In Conservation Estuary Management Units

Response: The appropriate criteria related to the Conservation Estuary Management Unit are addressed under the Resource Capability Assessment.

- B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter. Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons requiring such special considerations involve, among other things;**

- A. The size of the area required for development of such uses;**

Response: The project is to replace the existing serviceable floating dock with one that provides more stability to the applicant's current and future use. The size of the current residential dock is approximately 16 foot by 6 foot (96 square feet) and the applicant, Steve Kuly would propose to install a 480 square foot dock (Exhibit B).

- B. The effect such uses have on the public utility systems;**

Response: The residential dock is considered an aperture to the residential dwelling and will not require any public utility service.

- C. The nature of traffic problems incidental to operation of the use;**

Response: There have been no identified immediate or on-going traffic problems, all equipment would be brought in by water, all work complete over-the-water and there will not be any known or foreseen traffic issues related to this residential dock project. Material would be placed in a material handling barge floating over-the-water and may be secured to the breakwater structure while pile driving is occurring.

- D. The effect such uses have on any adjoining land uses; and**

Response: Adjacent land owners have been notified and they have not expressed any negative impacts related to the project, implementation, construction material selection (mostly aluminum) besides steel piles, or timing of project occurrence. The replacement of the existing residential dock structure is consistent with dock structures in the area.

- E. The effect such uses have on the growth and development of the community as a whole.**

Response: The residential docks structure owned by Steve Kuly would not hamper waterfront enjoyment, water-related sports, utilization of the Siuslaw River at RM 2.15. The adjacent shoreline is inaccessible and the near vertical bank precludes public access. Within 1-2 miles there are several park-like areas near the property and within the City of Florence for individuals to enjoy recreation, leisure and waterfront enjoyment adjacent to the Siuslaw River which is under public or state ownership.

- C. Findings that adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. Available land can be either vacant land or land which could be converted from another use within the applicable zoning district. Land needs for permitted uses may be determined through projections contained in the Florence Comprehensive Plan or other special studies.**

Response: This criterion does not apply.

- D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. (Ord. 625, 6-30-80) See Code Section 10-6-3 for Design Review requirements.**

Response: This criterion does not apply. The applicant is requesting a conditional use for a dock associated with a single family zone/use.

- E. Adequacy of public facilities, public services and utilities to service the proposed development.**

Response: Public Works has no concerns with the development as relates to public facilities, services and utilities.

- F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety. (Ord. 669, 5-17-82).**

Response: The placement of the dock will not hinder the existing flow to vehicle, pedestrian, or boat traffic in the area.

10-4-10: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Design Review Board. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82).

- A. Regulation of uses, special yard setbacks, coverage and height.**

Response: There are no special set-backs or coverage and heights related to waterfront construction; however the site is subject to the site development provisions of 10-11-5 Site Development Provisions. Development must be consistent with the resource capability assessment and Section 10-19-3-G (1), which requires that the size and shape (of the dock) shall be limited to that required for the intended use.

B. Requiring fences, walls, screens and landscaping plus their maintenance. Fencing is required when wholesaling, warehousing and storing of outdoor sales.

Response: The applicant will install orange lattice fencing around the shoreline vegetation to ensure this is adequately protected when the work is being completed for five consecutive days. At the present time the work area is within the river and at a lower tide elevation, the Steve Kuly house blocks or screens anyone from observing the project work site from the land. This level of "screening" related to protection of vegetation is sufficient. Lateral screening along the edges of the property will not serve significant beneficial purpose for the short-term duration of the project.

C. Regulation and control of points of vehicular ingress and egress.

Response: There will be no contractors entering or exiting the property all workers access is by the water and no parking will be provided to the contractor. No ingress or egress into or out of the property by the contractor.

D. Regulation of noise, vibration, odors, and sightliness.

Response: The applicant notes that the contractor will work for approximately 5 days installing the project and there will be noise, and vibration from the impact and vibratory hammer for installation of each of the pile (Approximately 2 hours per pile). The welding associated with the residential dock and ramp is completed at the contractor's shop in Woodburn, Oregon so no odors are expected. The site must be kept as clean as possible to reduce any unsightliness. **(Condition 7)**

E. Requiring surfacing of parking areas.

Response: Not applicable

F. Requiring rehabilitation plans. The City may require the rehabilitation of substandard or nonconforming buildings or uses. In such an instance, the voluntary cooperation of the owner shall be solicited. The City may establish a schedule of rehabilitation which allows reasonable time for compliance, does not create a financial hardship for the owner and fulfills the purpose and intent of this Chapter. In the absence of voluntary compliance, the City will enforce the applicable codes, State laws or City ordinances to affect structural, building, electrical, clearance of debris or vehicles, elimination of health, safety and sanitation problems or deficiencies when necessary.

Response: The applicant considered the replacement of the dock a rehabilitation of an existing serviceable structure. The new dock is expected to require little or no maintenance for a period of 20 years.

G. Regulation of hours of operation and duration of use or operation.

Response: For the short duration of this project (5 days), the applicant is planning to not start any work before 8:00 AM and will cease work by 5:00 P.M. during the daylight hours Monday through Friday. As this is a residential neighborhood, the applicant will not cause any offensive noises before people are normally active (morning or in the evenings). **(Condition 7)**

H. Requiring a time period within which the proposed use shall be developed.

Response: The applicant wants to have the project completed during the in-water work period for Siuslaw Bay from November 1 to February 15. In applicant's correspondence with Kelli Weese, Interim Planning Director, she mentioned the City of Florence will defer to Oregon DSL to recommend an in-water work period.

I. Requiring bonds to insure performance of special conditions.

Response: The applicant is open to have the contractor obtain a performance bond for any special conditions that the City of Florence may impose. Staff do not have conditions or requirements for which bonding seems necessary or advantageous.

J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.

Response: While the project is along and within the riparian area of the Siuslaw River at RM 2.15 the applicant is proposing no vegetation removal. If vegetation removal is needed, the applicant will likely need to apply for a vegetation removal permit due to the property's location along Rhododendron Drive and potential scenic view implications (as per FCC 4-6-3) **(Condition 8)**

K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.

Response: No additional conditions have been identified.

FCC TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with potential 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 POTENTIAL PROBLEM AREAS: At minimum, the following maps shall be used to identify potential problem areas:

- A. "Hazards Map", Florence Comprehensive Plan Appendix 7.
- B. "Soils Map", Florence Comprehensive Plan Appendix 7. (Ord. 625, 6-30-80)
- 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. 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: 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.
- C. River Cutbanks: No building shall be permitted within fifty feet (50') from the top of a river cutbank.
- E. Ocean Flooding, Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).

Response: The proposed dock lies within the Special Flood Hazard Area, and is subject to Ocean and Tidal Flooding as well as high Tsunami inundation risk. The area is identified on the "Hazards Map", (Florence Comprehensive Plan Appendix 7) as an area with River Cutbank hazard. The conditional use does not propose any buildings within 50 feet of the landward side of the cutbank. A new piling will be driven within 50 feet of the seaward edge of the cutbank. Mitigation of these impacts are addressed in the applicant's Resource Capability Assessment, and include improvements carried out only by (water) barge with very localized and minimal impacts to the shoreline.
(Condition 4)

10-7-4: SITE INVESTIGATION REPORTS:

A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "*Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik*" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:

- 1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or**
- 2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)**

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code. (Ord. 669, 5-17-82)

Response: As per the exception outlined above, staff recommends that a Site Investigation report not be required. The site, being within a flood and tsunami prone area, and being subject to the National Flood Insurance Program, would be adequately protected. No other significant hazard is identified for the site or use. This is also intended to address Policy 2 of Chapter 7, Development Hazards and Constraints, of the Comprehensive Plan (**Condition 6**).

Conclusion:

As conditioned, the Conditional Use request is consistent with the applicable criteria in Florence City Code Title 10, Lane County Coastal Resources Management Plan and the Florence Realization 2020 Comprehensive Plan.

VI. OPTIONS FOR THE PLANNING COMMISSION

- 1. Approve the conditional use permit request, based on the proposed findings of fact in this staff report, with the proposed Conditions of Approval.**

2. Modify the proposed findings of fact, Condition of Approval, or both, and approve the request as modified.
3. Continue the hearing to a date certain or leave the record open in order to allow more time for additional information to be submitted.
4. Deny the application based on findings of fact.

VII. STAFF RECOMMENDATION, AND PROPOSED CONDITIONS OF APPROVAL

Staff recommendation:

Approve the request for approval of the conditional use permit request, provided that the following Conditions of Approval are met.

Conditions of Approval:

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

1. Approval for shall be shown on:

"A" Findings of Fact
"B" Site Plan

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the Owner agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The property owner shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval within 30 days after the signing of the resolution.

3. The old wooden piles that have been identified to be removed must be removed and disposed of in a DEQ approved landfill or transfer site that allows such disposal.

4. The applicant must adhere to the following conservation measures:

- 1) The dock will be surfaced with 60 percent grating to allow light penetration to the water below.
 - 2) Compliance with the defined in-water work period of November 1 to February 15 or as set by DSL or Army Corps of Engineers in an approved Joint Permit Application.
 - 3) Marine mammals and ESA-listed fish are present from April to July during peak migration periods; these time periods will be avoided for the in-water work of driving the piling.
 - 4) Have a trained marine mammal observer watch for marine mammals at the job site while vibratory pile driving occurs.
 - 5) Use the minimum size piles necessary to support the floating structure and the gangway (12-inch-diameter pile)
 - 6) New dock, new materials and the removed dock will be transported from local launch to the site by water. No materials or construction equipment will be employed from land to ensure minimal bank impact
5. All federal and state permit requirements, including mitigation requirements, are met. If a state or federal agency requires amendments to the project design an application to modify this Conditional Use permit will be required.
6. Development associated with the dock must meet the requirements of the FEMA National Flood Insurance Program.
7. To minimize the impacts of odor, noise, vibration and unsightliness, the applicant shall adhere to the following:
- Contractor will work for no more than 7 days installing the project.
 - Noise, and vibration from the impact and vibratory hammer for installation of each of the pile will last no more than 4 hours per pile)
 - The site must be kept as clean
 - Work will not start before 8:00 AM and will cease by 5:00 P.M. and occur during only Monday through Friday.
8. If vegetation removal is required for the project, the applicant must investigate the necessity for a vegetation removal permit, due to the property's location along Rhododendron Drive and potential scenic view implications (as per FCC 4-6-3). If applicable, the applicant must obtain a vegetation removal permit.

ADDITIONAL REQUIREMENTS

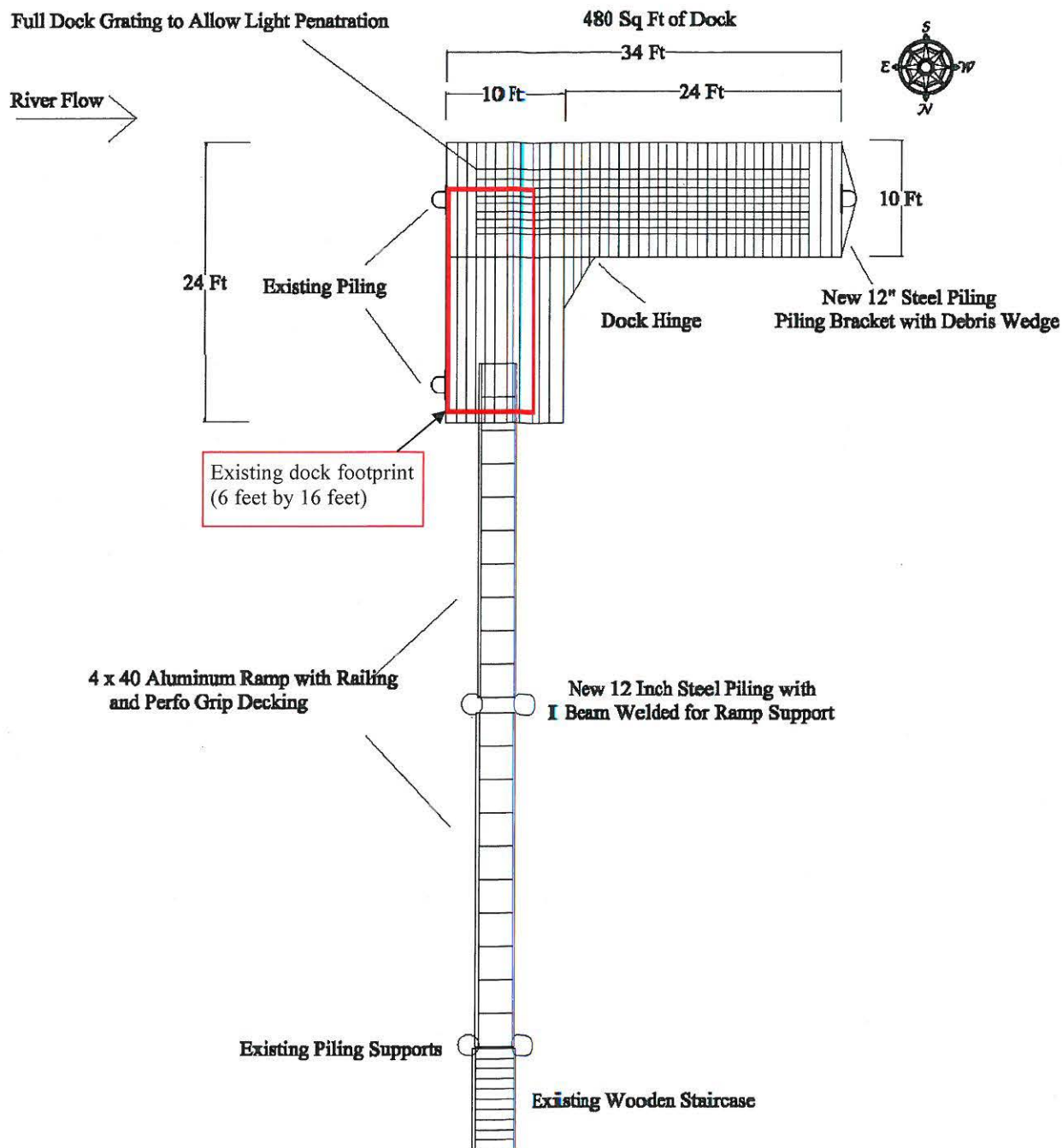
9. This application shall expire as outlined below and as found in City of Florence Title 10 Chapter 4 Section 8. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional

use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. For the purposes of this permit type "DSL/VACE joint permit" shall substitute for "building permit"

VII. EXHIBITS

- A. *Findings of Fact*
- B. Site Plan (Current Dock with Proposed Dock) & Context (Area/Zoning)
- C. Application
- D. Email dated October 19, 2009 from Mike Miller, Florence Public Works Director.
- E. Programmatic Biological Evaluations SLOPES IV
- F. Maps & Figures
- G. Joint Fill/Removal Permit Application (DSL/Corps of Engineers)
- H. Applicant Compliance Statement (CUP Criteria)
- I. Resource Capability Assessment

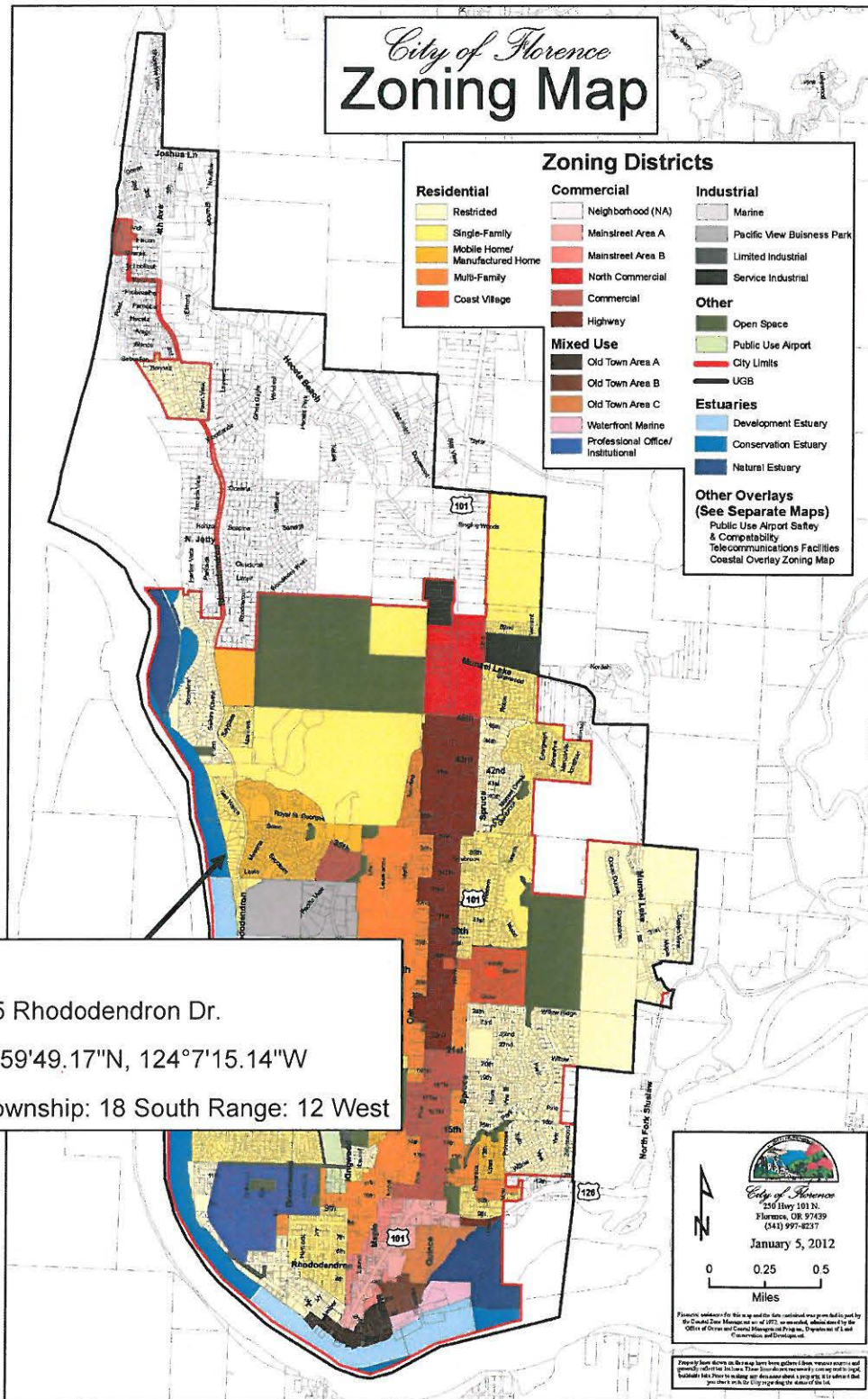
Figure 1. Existing Dock Footprint vs. Proposed Dock



Applicant: Steve Kuly
 Adjacent Property Owners:
 Proposed Project: Residential Dock Improvements
 In: Siuslaw River (RM) 2
 Near: Florence County: Lane State: OR
 Date: 08/13/2013 Sheet: 1 of 2

Northern Resource Consulting, Inc.
 ENVIRONMENTAL SERVICES
 1339 Commerce Ave., Suite 309B
 Longview, Washington 98632
 Phone: (360)414-5239
 Fax: (360)414-4021

Map 10. City of Florence Zoning



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 **Sheet:** 11 of 11

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City of Florence
 Community Development Department
 250 Highway 101
 Florence, OR 97439
 (V): (541) 997-8237
 (F): (541) 997-4109
www.ci.florence.or.us

LAND USE APPLICATION FOR DESIGN REVIEW AND/OR CONDITIONAL USE PERMIT

- I. Type of Request** ☐ Administrative Review (also see FCC 10-1-1-6)
☐ Design Review (See FCC 10-6 for Criteria) ☒ Conditional Use Permit (See FCC 10-4 for Criteria)
 FCC (Florence City Code) may be found at www.florence.or.us/or (under "City Code") or at City Hall

You may request a pre-development conference to obtain assistance in filling out this application or to obtain input on your proposal. If the conference was not more than 90 calendar days from the date of this application submission, the cost of the conference will be credited towards your land use application.

Did you have a pre-development conference (Check One)? ☐ Yes ☒ No

If yes, enter the date of the conference: Month _____ Date _____ Year _____ Amount Paid: \$ _____

Please be aware that the applicant has the burden of proof to show how the project meets the applicable criteria (refer to FCC 2-10-6).

Feel free to contact the Planning Department if you have questions at 541-997-8237.

II. Applicant or Representative Information

(only one phone number is required)

Name (Print): Northern Resource Consulting, Inc

Office Ph: () (360) 414 - 5239

Mailing Address: 1339 Commerce Ave. Suite 309B

Cell Ph: () (360) 721 - 5446

City: Longview State: WA Zip: 98632

Ph: () -

E-mail (Optional): bperlsberg@nrcony.net

Signature: 

Date: 07/09/2013

III. Property Owner Information

(only one phone number is required)

Name (Print): Steve Kuly

Ph: () (541) 991 - 3311

Mailing Address: 3465 Rhododendron Dr.

Cell Ph: 630 703-8448

City: Florence State: OR Zip: 97439

Ph: () -

E-mail Address (Optional):

Signature: 

Date: 7-2-13

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

IV. Property Description

Site Address: 3465 Rhododendron Dr., Florence, OR, 97439

General Location (Example: City Hall is at the SE corner of 2nd and Highway 101): Property entrance is approximately

450 feet south of the intersection of Rhododendron Dr. and 35th street.

(This section is continued on the next page)

Assessor's Map No.: 18 - 12 - 22 - 22 Tax Lot(s): 900 Size of Site: .76 acres
Zoning District: Residential, Restricted

Describe the conditions and land uses of all land within 300-feet from the proposed site that is one-acre or larger and within 100-feet of the site that is less than an acre OR add this information to the off-site conditions map (FCC 10-1-1-4-B-3): The adjacent property to the north is 1.13 acres in size while the property to the south is .66 acres in size. The comprehensive plan designates this area to be low density residential with medium density residential across Rhododendron Drive from the site.

V. Utilities

Existing:

List all existing utilities currently available to the site: AND add this information to a utility plan map (See FCC 10-1-1-4-B-2).

NOTE: For help in identifying the location of utilities please call Dig Safely Oregon at 1-(800) 332-2344 or dial 811. Call Public Works for size of utility lines.

Water Supply: _____ - inch line available in Street (s) Not Applicable
Sanitary Sewer: _____ - inch line available in Street (s) Not Applicable
Storm Sewer: _____ - inch line available in Street (s) Not Applicable
Telephone (Check One): ☒ is ☐ is not available in Street (s) Rhododendron Drive
Cable TV (Check One): ☒ is ☐ is not available in Street (s) Rhododendron Drive
Electrical (Check One): ☒ is ☐ is not available in Street (s) Rhododendron Drive
Other (Such as fiber optics): No upland excavation would occur as a results of this completed project.

Proposed:

Are new streets planned or needed (Please refer to the Florence Transportation System Plan)? (Check One): ☐ yes* ☒ no

If yes, describe which ones are needed: Not Applicable

Are utility upgrades or extensions planned or needed? ☐ yes* ☒ no

If yes describe which ones are needed: Not Applicable

*If you answered yes to either of the two questions above, how will the improvements be funded? _____

Not Applicable

☐ Utility Plan (per FCC 10-4-3-C and 10-6-6-E): Drawn to a common scale (such as 10, 20, 30, 40, or 50 feet to the inch). Location of existing and proposed buildings, existing and proposed utility services, location and size of water and sewer lines, drainage routes, manholes, meters, fire hydrants, fire flows and 2' contours. (Questions? Contact Public Works at 541.997.4106. Fire flows may be obtained by the Fire Marshal at 541.997.3212).

☐ Lighting Plan (for new parking lots and walkways): Show location of each light fixture, diagram illustrating foot-candle distribution, and elevation drawing of each light fixture in conformance to FCC 10-3-8-G.

☐ Stormwater (per FCC 9-5-2-4): A drainage plan is required for projects which are adding 500 square feet or greater of impervious surface area or clearing 10,000 square feet or greater (Single Family houses are exempted). Please refer to FCC 9-5 for requirements and the Florence Stormwater Design Manual.

☐ Traffic Impact Study (per FCC 10-1-1-4-D): (larger projects) Please refer to FCC 10-1-14-D to see if a Traffic Impact Study is required.

(Continued on the next page)

V. Project Description

Square feet of new: 480 Square Feet: Square feet of existing building 480 Square Feet
Hours of operation: 8 a.m. to 5 p.m. Number of parking spaces* (See FCC 10-3): None
*bicycle parking is calculated at 1 per 10 vehicle parking spaces
Building color (s) (attach color sample): Replacement of existing dock and access ramps, no colors are associated with the project.
Is there any phasing anticipated? (Check One): ☐ yes ☒ no
Timetable of proposed improvements: In-water work period for lower Silusla River (October to December 2013).

Will there be impacts such as noise, dust, or outdoor storage? (Check One): ☒ yes ☐ no
If yes, describe all impacts: Noise will occur during normal work days (M-F) 7:00 a.m. to 5:00 p.m. the project is anticipated to last 2 weeks.
Noise will be generated while vibratory hammer installation of piling, a sound dampener will be utilized to reduce SPLs produced.

Proposal: Attach additional sheets if necessary (double sided copies please). Describe the project in detail such as what is being proposed, size, objectives, and what is desired by the project.

The existing dock is in need of repair and update. The current wooden and aluminum ramps will be replaced with two, 4' x 40' aluminum ramps. The wooden stairway will be repaired. The ramp is currently supported by four 12" wooden piling, requiring replacement. two of the four piling are below the ordinary high water mark (OHWM) in tidal water and the remaining two are above the OHWM. A fifth and new piling is proposed and will be driven to compliment the two steel piling already in place to help secure the new dock, this piling would be below the OHWM in tidal water. All new piling are 12" steel piling with anti-perch caps. The creosote wooden piling will be pulled, and the new piling will be driven using a vibratory and impact hammer with sound dampening block. BMPs included in Programmatic Biological Evaluation SLOPES IV will be followed for project implementation (Appendix A).
The current dock will be removed and transported to the local landfill. A new 480 square foot wooden dock will be constructed to replace the current dock. This wood dock will be floated using poly-encapsulated floats with grates to allow 60 percent light penetration. The dock will be secured to three 12" steel piling, two existing and one new. All construction will be performed from a floating barge. New dock, new materials and removed dock will be transported from local launch to the site by water. No materials or construction equipment will be employed from land to ensure minimal bank impact.

VI. Additional Information

Below is a check list of the required information to determine if an application is complete. Florence City Code (FCC) references are provided for your convenience. The FCC is available at City Hall or online at www.ci.florence.or.us under click on "City Code" which is located on the main menu. You may also find the *Florence Transportation Plan*, *Downtown Architectural Guidelines*, *Highway 101 Access Management Plans*, *Stormwater Design Manual*, and *Stormwater Management Plan* are available on the City's website or at the City Hall for review or purchase.

All Drawings need to be drawn to a typical scale (site plan in an engineering scale and architectural drawings may be in architectural scale) submitted as follows:

☒ 3 full sized sets of plans (if the project fits on 11 x 17 or 8 1/2 x 11 pages, there is no need to enlarge the drawings)

Please note: A planner may request additional copies for larger projects once the application has been deemed complete.

☐ 2 sets reduced to 11 x 17

☐ 1 electronic copy (pdf or word) (submitted on a CD or by email)

☒ Title Report from a Title Company (per FCC 10-4-3-C and 10-6-6-D): indicating liens, access and/or utility easements, legal description

(Continued on the next page)

☐ Site Plan (per FCC 10-6-6-A): drawn to scale showing majority of dimensions, illustrating the size and location of existing use and structures, proposed use and structures on the property (including trash enclosure), walkways and parking areas (including bicycle parking). Please also include natural features which are located on the property such as streams, wetlands, and sand dunes.

☐ Off-Site Conditions (per FCC 10-1-1-4-B-3): 300 feet from the proposed site that is one acre or larger and within 100 feet the site that is less than an acre. Drawing needs to include property lines, utility locations and sizes, existing and future streets, alleys, sidewalks, significant grade changes and natural features such as streams, wetlands and sand dunes. If possible, please include adjacent property's driveway locations. This information is not required to be surveyed by a registered surveyor.

☐ Landscaping Plan (per FCC 10-34-3-2): Location, size and species of the new proposed plant materials (at the time of planting); location(s) of areas where existing vegetation will be cleared and location(s) of areas where existing vegetation will be preserved (delineated on the recent aerial photo or site plan drawn to scale) specification for soil at time of planting, irrigation and anticipated planting schedule, location of existing and proposed fences and walls including buffering and screening materials, existing. Refer to the *Florence Tree and Plant List* to help you decide which plants work best in Florence. Landscaped stormwater facilities may count toward the landscaping require coverage. Provide the square footage of each landscaped area (new and existing).

☐ Architectural Drawings or Sketches (per 10-6-6-C): Drawn to a common scale showing dimensions, floor plan showing doorways and windows, north, south, east, west elevation view of buildings (with height indicated), exterior building materials, styles, and colors (roofing, trim, wall). Properties located in the Old Town and Main Street Districts will also be reviewed with the *Downtown Architectural Guidelines* to determine compatibility.

☐ Access Permit (for properties along State or County Roads) (see FCC 10-35-2-4): A State or County complete access permit or application is required. For properties on Highway 101 located between Highway 126 and the bridge, please also refer to the *Highway 101 Access Management Plan*.

☐ Erosion Control: Projects over 1 acre or more of land disturbance over a period of time (FCC 10-36-4) are required to obtain a National Pollution Discharge Elimination System (NPDES) from Department of Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

☐ Old Town District:

For properties within the Old Town District the following are also required:

☐ Survey (per FCC 10-17A-4-K-1-a, 10-17B-4-K-1-a, and 10-17C-4-K-1-a): All new development, redevelopment, and additions require a recent survey map drawn to scale which shows property lines, easements, 2' contours, existing structures (including height of sea-wall, if appropriate), floodplain, and highest observed tide.

☐ Visual Aids (for new construction or story addition in Old Town): Please refer to FCC 10-17A-4-K-1-b, 10-17B-4-K-1-b, and 10-17C-4-K-1-b for the requirements for each subsection.

☐ Site Investigation Report (SIR): SIR may also be required, refer to FCC 10-7-3 which lists the hazard areas within the City Limits which will require a SIR. The SIR form is available at City Hall or by email.

FCC Title 10, Chapter 1 states that staff has 30-days to review the application for completion. A written notice explaining application deficiencies or acknowledging a complete application will be provided to the applicant and/or representative.

Questions: Please call 541.997.8237

CALLISTER Jacob (LCOG)

From: Mike Miller <mike.miller@ci.florence.or.us>
Sent: Tuesday, September 17, 2013 4:40 PM
To: CALLISTER Jacob (LCOG)
Subject: RE: Referral Request, Conditional Use Permit : Proposed Dock Replacement

Hi Jake,

We have reviewed the application materials and have no objections to the dock replacement project with the understanding that the old wooden piles that have been identified to be removed are removed and disposed of in an DEQ approved landfill or transfer site that allows such disposal.

Thank you,

Mike

From: CALLISTER Jacob (LCOG) [<mailto:jcallister@lcog.org>]
Sent: Tuesday, September 10, 2013 2:50 PM
To: Kelli Weese; John Buchanan (chief@svr.org); BARRETT Sean (SMTP); Mike Miller; Dale Dawson (ddawson@cencoast.com); Kathleen Aitkin (kaitken@cencoast.com); steven.manning@chartercom.com; Pete Kalnins (pete@coastcom.net); Tiffany Rogato (tiffany@oregonfast.net); Norm Palmer (norm.palmer@gwest.com); David Twomly; DanWebb@wateconnections.com
Subject: Referral Request, Conditional Use Permit : Proposed Dock Replacement

Good Afternoon Everyone,

Brian Perleberg of Northern Resource Consulting, Inc. has applied on behalf of the Steve Kuly, for a Conditional Use Permit to replace a dock at 3465 Rhododendron Drive in Florence (Map Reference No. 18-12-22-22, 900).

Attached is the memo explaining the time frame and approval criteria for the project. This application will be reviewed by myself, a contract planner from Lane Council of Governments so please send responses to me at jcallister@lcog.org, by 12pm on September 30th in order to allow time for incorporation into the staff report.

The application submittals are located on the City's website at <http://www.ci.florence.or.us/planning/3465-rhododendron-drive-dock-update-pc-13-10-cup-04>

Thank you so much for your time in reviewing this email and the application. If you have any questions feel free to respond to this email or give me a call. Have a great day.

Jacob L.Callister
Associate Planner
Lane Council of Governments
541-682-4114

Appendix A.

SLOPES Conservation Measures And BMP's Related to Waterfront Work

Northern Resource Consulting, Inc.
Environmental Services
1339 Commerce Avenue, Suite 309B
Longview, Washington 98632
Phone (360) 414-5239

Programmatic Biological Evaluation SLOPES IV

Endangered Species Act Section 7 Formal Programmatic Opinion, Letter of Concurrence, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Revisions to Standard Local Operating Procedures for Endangered Species to Administer Actions Authorized or Carried Out by the U.S. Army Corps of Engineers in Oregon (SLOPES IV In-water Over-water Structures)

Refer to NMFS No: 2011/05585

BMP's Related to Pile Driving and Dock Maintenance for Steve Kuly Residential Dock on the Siuslaw River, approximately 2.15 miles from the Ocean.

1. In-water work period. All work within the active channel will be completed in accordance with the Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife resources (ODFW 2000, or the most recent version), except as follows:

- a. For the Siuslaw River the in-water work period is from July 1 - September 15, while in Siuslaw Bay November 1 - February 15 (added by NRC, Inc.). Since the project site is about 2.15 miles from the Pacific Ocean, the Siuslaw Bay in-water work period is more applicable to the immediate project site.
- b. Hydraulic and topographic measurements and encased geotechnical drilling may be completed at any time, if a fish biologist determines that no adult fish are congregating for spawning and no redds are occupied by eggs or pre-emergent alevins within 300 feet of the work site.

2. Piling installation. Pilings may be concrete, steel round pile 24 inches in diameter or smaller, steel H-pile designated as HP24 or smaller, or wood that has not been treated with preservatives or pesticides. Any proposal to use wood pilings treated with preservatives or pesticides is not covered by this consultation and will require individual consultation.

- a. When practical, use a vibratory hammer for piling installation. For pile driving in the Siuslaw River in the month of October, only a vibratory hammer may be used.
- b. Jetting may be used for piling installation in areas with coarse, uncontaminated sediments.

3. Pile driving where Steller sea lions may be present. Condition applies if the project is within 10-miles of a Steller sea lion haul-out, the following conditions apply:

- a. A biologist qualified in marine mammal identification will be on site during all pile driving and will notify the operator to cease operations if a Steller sea lion enters the 1,200 foot radius of the pile.
- b. Pile driving may not begin if Steller sea lions are within 1,200 feet of the pile being driven.
- c. Pile driving must cease if Steller sea lions approach to within 1,200 feet of the pile being driven.
- d. Applicant will prepare a marine mammal monitoring plan for the project, and coordinate and report findings to NOAA Fisheries staff.

4. Pile removal. Use the following steps to minimize creosote release, sediment disturbance and sediment resuspension:

- a. Install a floating surface boom to capture floating surface debris.
- b. Keep all equipment (*e.g.*, bucket, steel cable, vibratory hammer) out of the water, grip piles above the waterline, and complete all work during low water and low current conditions.
- c. Dislodge the piling with a vibratory hammer, when possible; never intentionally break a pile by twisting or bending.

- d. Slowly lift the pile from the sediment and through the water column.
- e. Place the pile in a containment basin on a barge deck, pier, or shoreline without attempting to clean or remove any adhering sediment – a containment basin for the removed piles and any adhering sediment may be constructed of durable plastic sheeting with sidewalls supported by hay bales or another support structure to contain all sediment and return flow which may otherwise be directed back to the waterway.
- f. Fill the holes left by each piling with clean, native sediments immediately upon removal.
- g. Dispose of all removed piles, floating surface debris, any sediment spilled on work surfaces, and all containment supplies at a permitted upland disposal site.

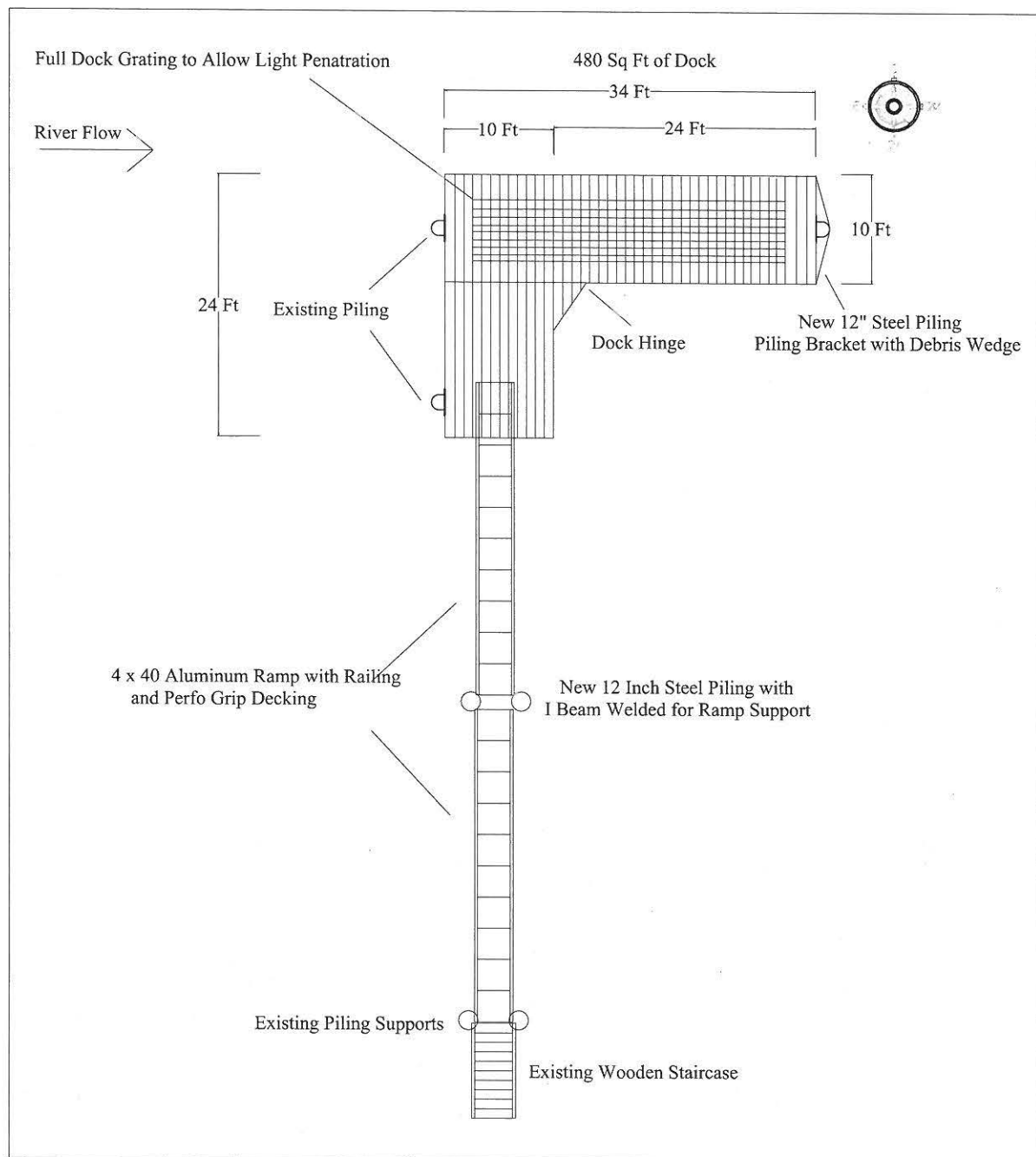
5. Broken or intractable piling. When a pile breaks or is intractable during removal, continue removal as follows:

- a. Make every attempt short of excavation to remove each piling, if a pile in uncontaminated sediment is intractable, breaks above the surface, or breaks below the surface, cut the pile or stump off at least 3 feet below the surface of the sediment.
- b. If dredging is likely where broken piles are buried, use a global positioning system (GPS) device to note.

6. Pesticide-treated Wood Installation. Use of Lumber, piling, or other wood products or preserved with pesticide compounds may not be used below ordinary high water, or as part of the in-water or over-water structure.

7. Pesticide-treated wood removal. When it is necessary to remove pesticide-treated wood, the following conditions apply.

- a. Ensure that, to the extent possible, no wood debris fall into the water. If wood debris does fall into the water, remove it immediately.
- b. After removal, place wood debris in an appropriate dry storage site until it can be removed from the project area.
- c. Do not leave wood construction debris in the water or stacked on the streambank at or below the ordinary high water.
- d. Evaluate wood construction debris removed during a project, including pesticide-treated wood pilings to ensure proper disposal of debris.

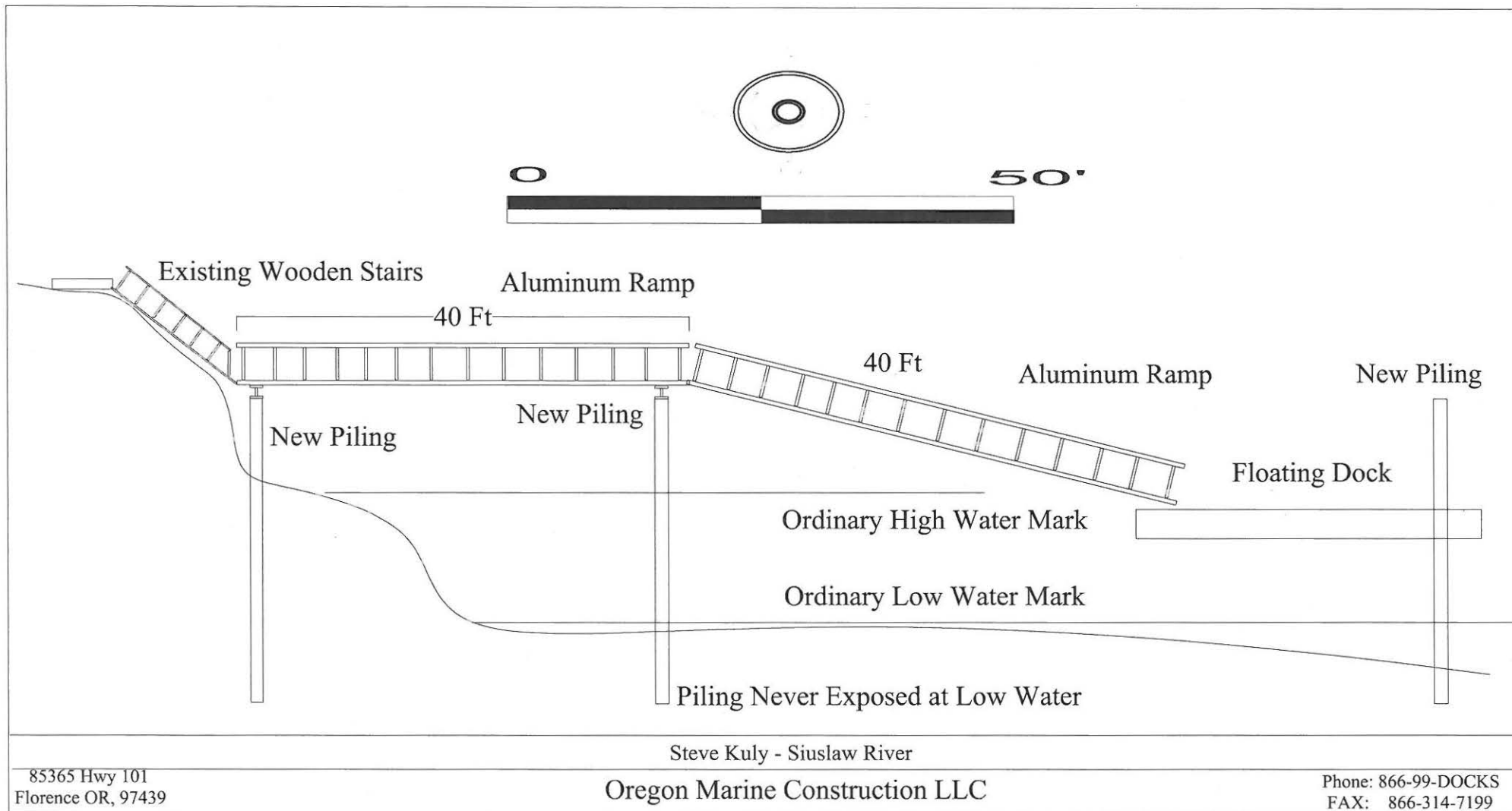


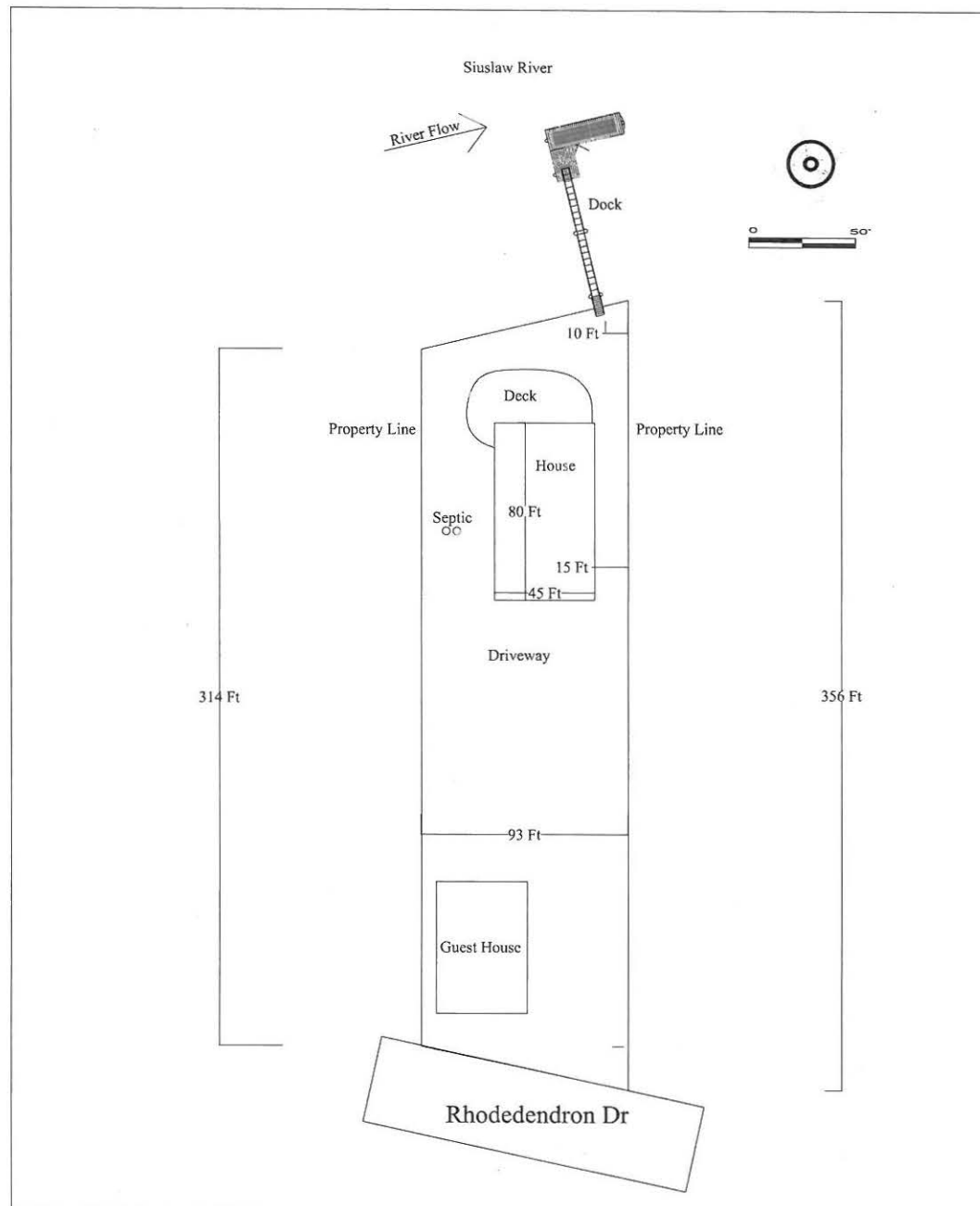
Steve Kuly - Siuslaw River

Oregon Marine Construction LLC

85365 Hwy 101
Florence OR, 97439

Phone: 866-99-DOCKS
FAX: 866-314-7199





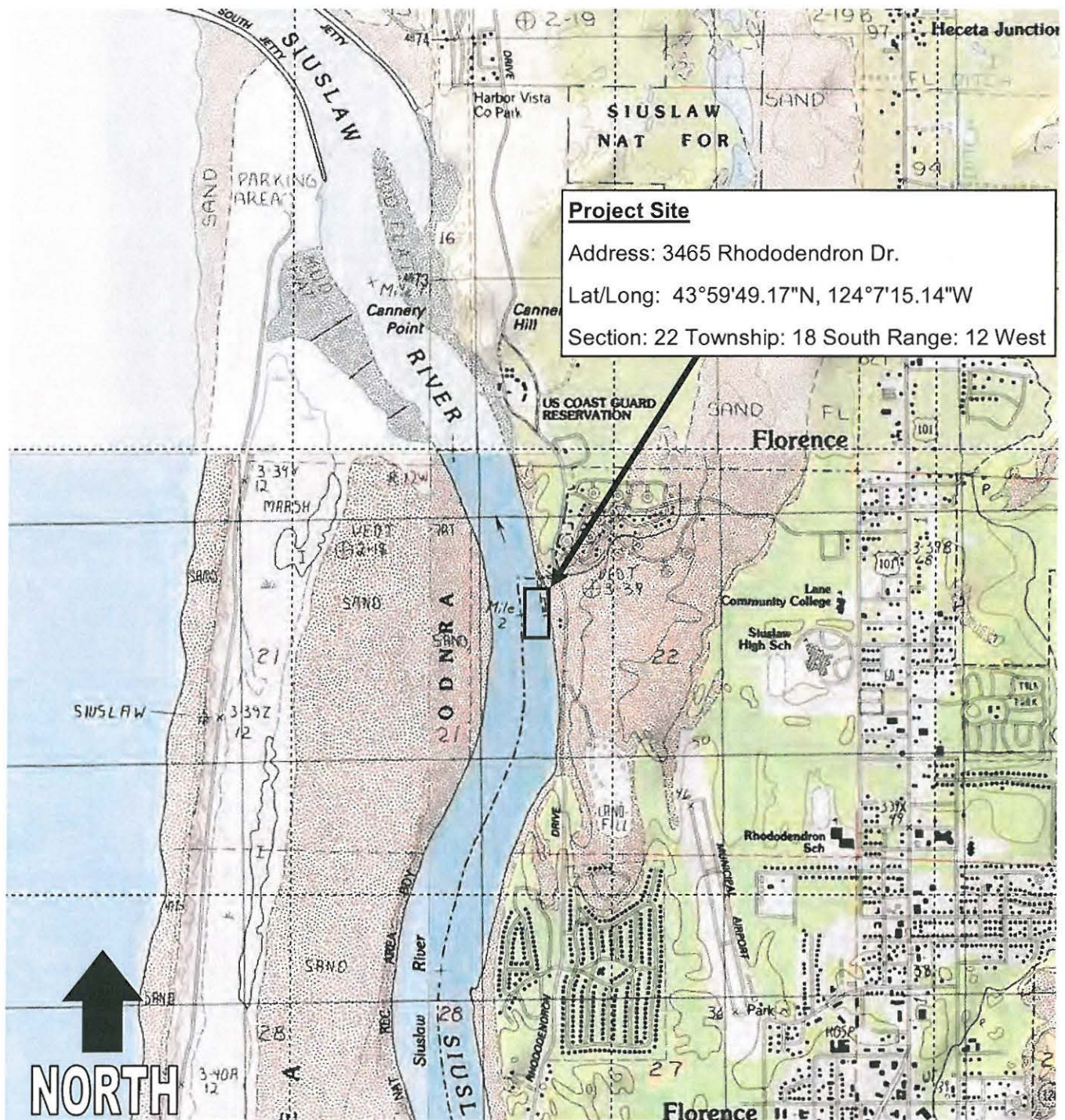
Steve Kuly - Siuslaw River

Oregon Marine Construction LLC

85365 Hwy 101
Florence OR, 97439

Phone: 866-99-DOCKS
FAX: 866-314-7199

Map 1. Vicinity Map



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/05/2013 **Sheet:** 1 of 8

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Fax: (360)414-4021

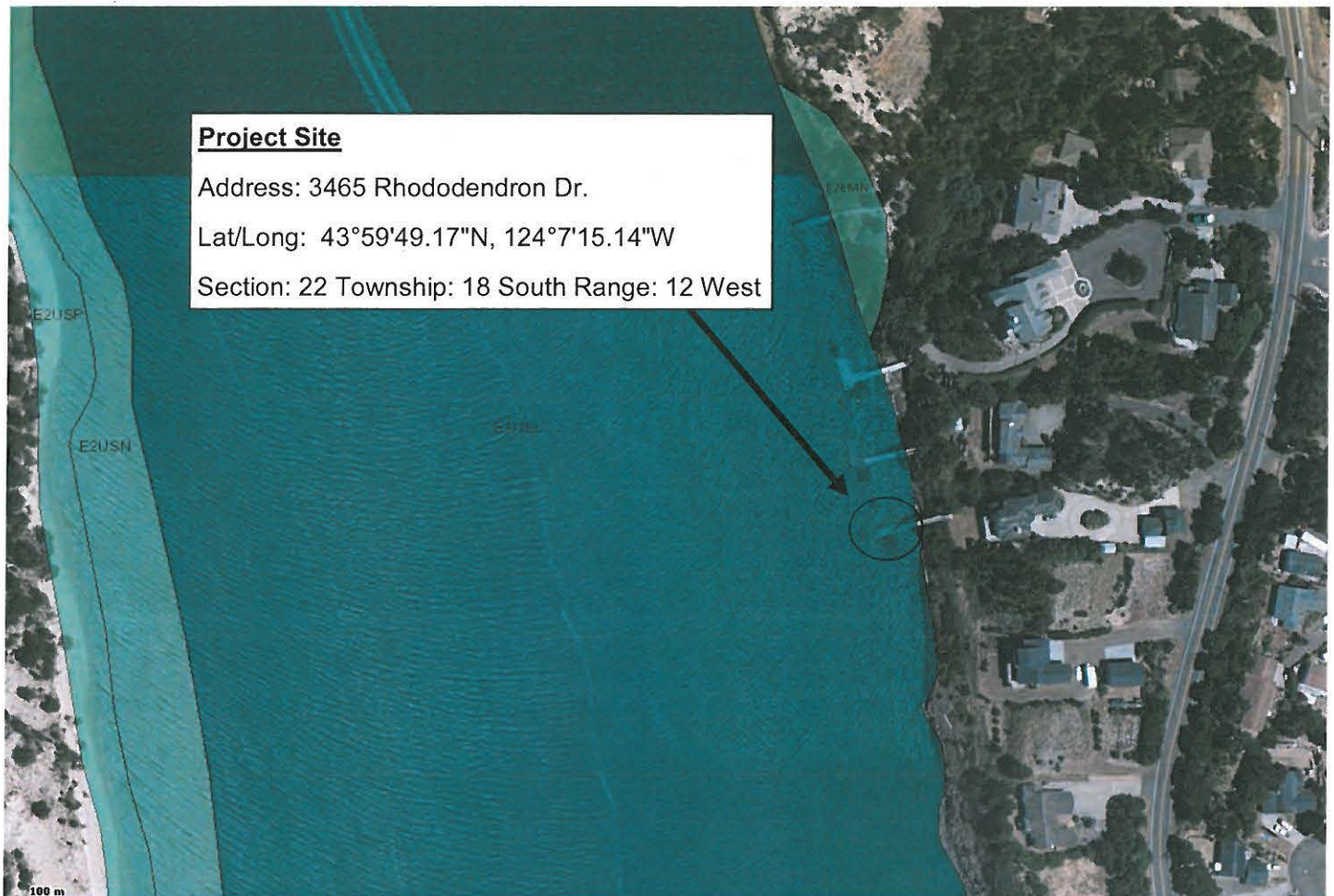
Map 2. Satellite Image (Google Earth)



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/05/2013 **Sheet:** 2 of 8

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Map 3. National Wetland Inventory Map



Wetland Code Meanings:

E1UBL: Estuarine, Subtidal, Unconsolidated Bottom, Subtidal

E2USP: Estuarine, Intertidal, Unconsolidated Shore, Irregularly Flooded

E2USN: Estuarine, Intertidal, Unconsolidated Shore, Regularly Flooded

E2EMN: Estuarine, Intertidal, Emergent, Regularly Flooded

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/05/2013 Sheet: 3 of 8

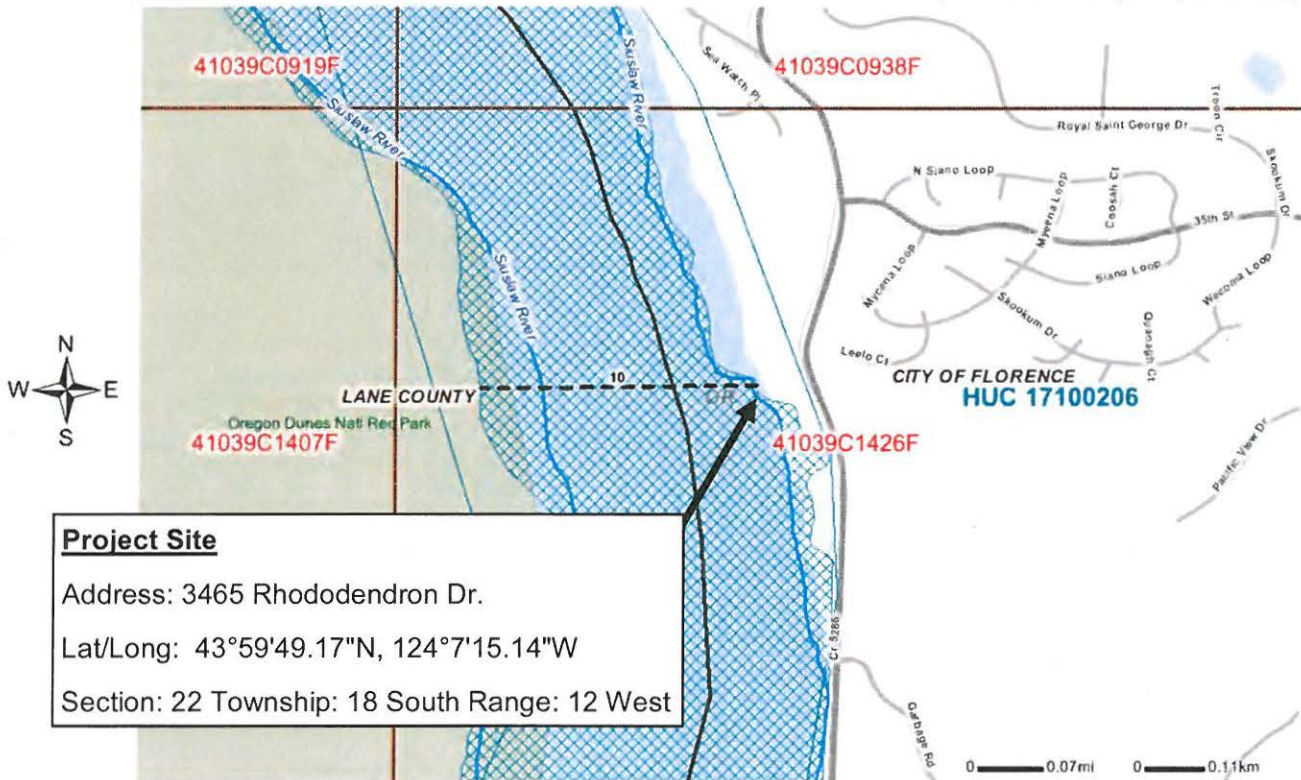
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Map 4. FEMA FIRMette

Mapping
Information Platform

Steve Kuly

This Map Is For Advisory Purposes Only



Project Site

Address: 3465 Rhododendron Dr.

Lat/Long: 43°59'49.17"N, 124°7'15.14"W

Section: 22 Township: 18 South Range: 12 West

Legend

- | | | | |
|---|--|--|---|
| <ul style="list-style-type: none"> Cities Other Places Small Towns Small Cities State Largest Cities Major Cities Completed LOMAs USGS Quads Watershed (HUC) LOMR's DFIRM Panels Bench Marks River Distance Markers General Structures Culverts Foot Bridges Dams (cont) | <ul style="list-style-type: none"> Levees Wing Walls Base Flood Elevation BFE with NGVD29 datum BFE with NAVD83 datum BFE with other datum Cross Section Lines Cross Section with NGVD29 datum Cross Section with NAVD83 datum Cross Section with other datum Political Jurisdictions DFIRM Streets PRIMARY ROAD SECONDARY ROAD RAILROAD OTHER ROAD Streams | <ul style="list-style-type: none"> Water Body Floodways Flood Hazard Zone Boundaries Flood Hazard Zones Zone A Zone AE Zone AH Zone AO Zone AR Zone A99 Zone V Zone VE Zone D 92% Annual Chance Flood Hazard Zone Streets Major Roads (cont) | <ul style="list-style-type: none"> Highways Major Highways Railroads States ZIP Code Boundary Parks National Parks and Forests State Parks and Forests Local Parks Lakes, Major Rivers Land Areas US Other Countries |
|---|--|--|---|

Wednesday, 5 June 2013 12:10



FEMA

Applicant: Steve Kuly

Adjacent Property Owners:

Proposed Project: Residential Dock Improvements

In: Siuslaw River (RM) 2

Near: Florence County: Lane State: OR

Date: 06/05/2013 Sheet: 4 of 8

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Map 5. USDA Soils

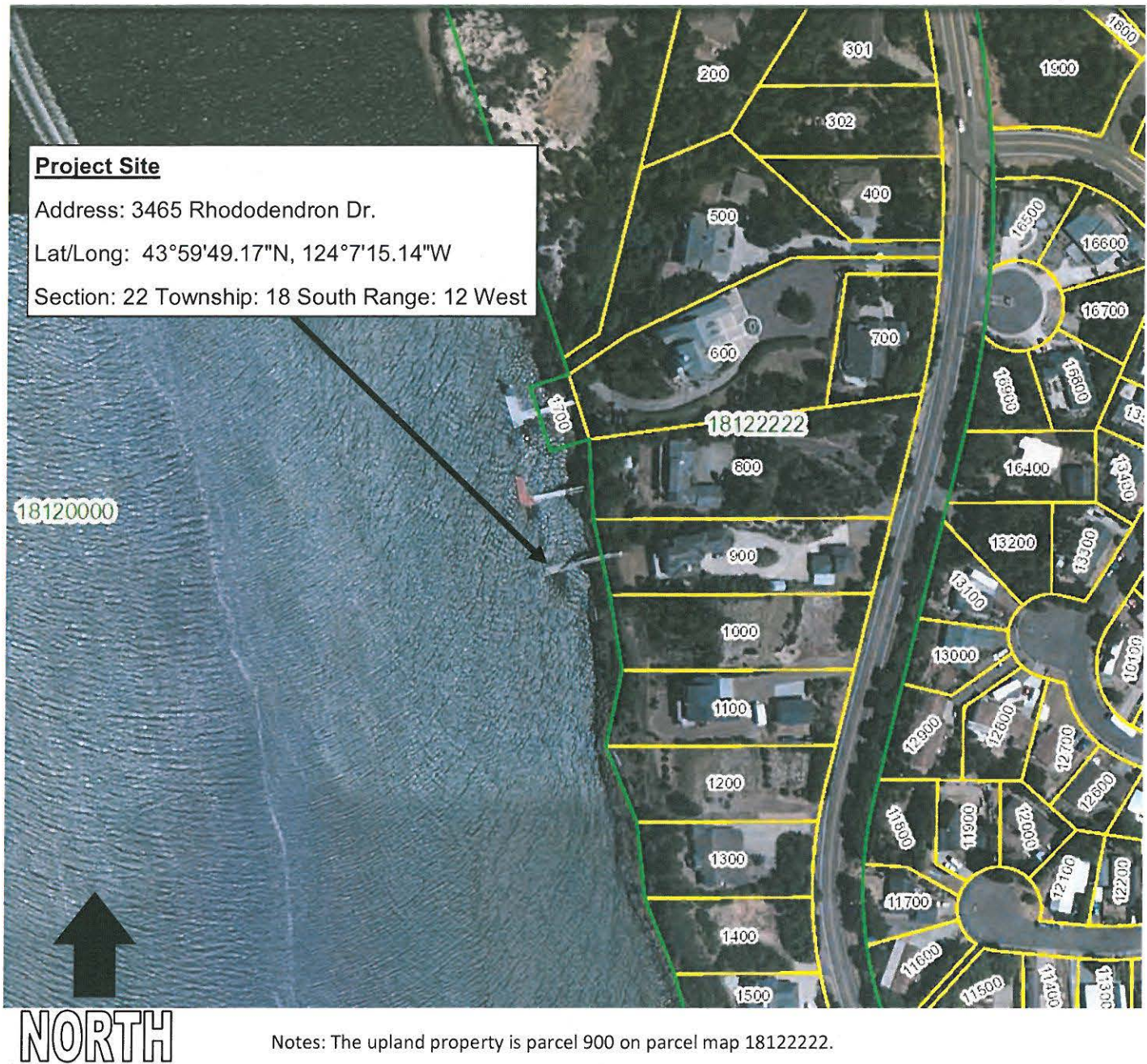


Lane County Area, Oregon (OR637)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
131C	Waldport fine sand, 0 to 12 percent slopes	0.5	39.6%
W	Water	0.7	60.4%
Totals for Area of Interest		1.2	100.0%

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/05/2013 **Sheet:** 5 of 8

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Map 6a. Tax Parcel



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/05/2013 **Sheet:** 6 of 8

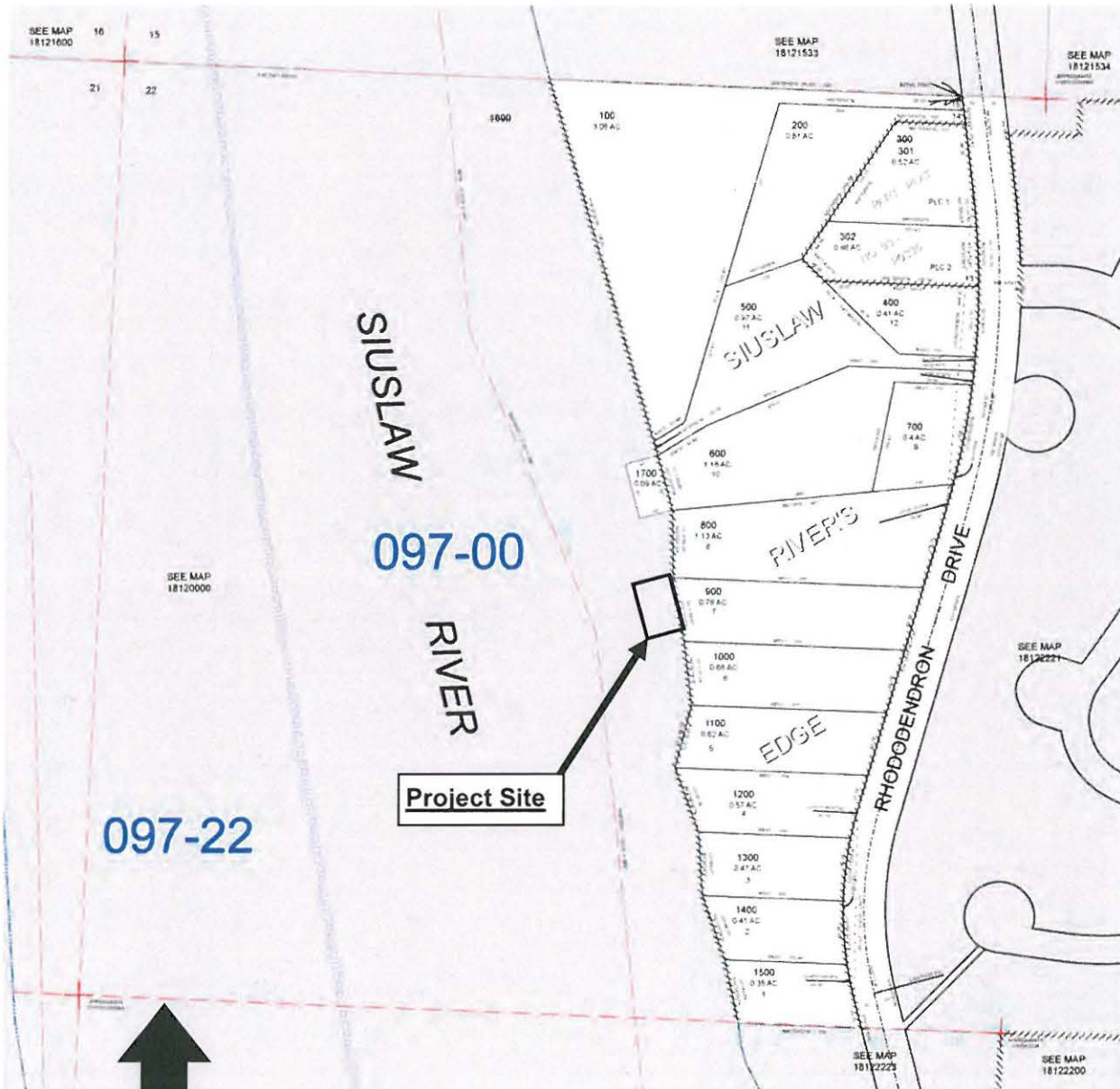
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Fax: (360)414-4021

Map 6b. Tax Parcel

FOR ASSESSMENT AND
TAXATION ONLY

N.W. 1/4 N.W. 1/4 SEC. 22 T. 18S. R. 12W. W.M.
Lane County
1" = 100'

18122222
FLORENCE



18122222
FLORENCE

CANCELLED
1600
300

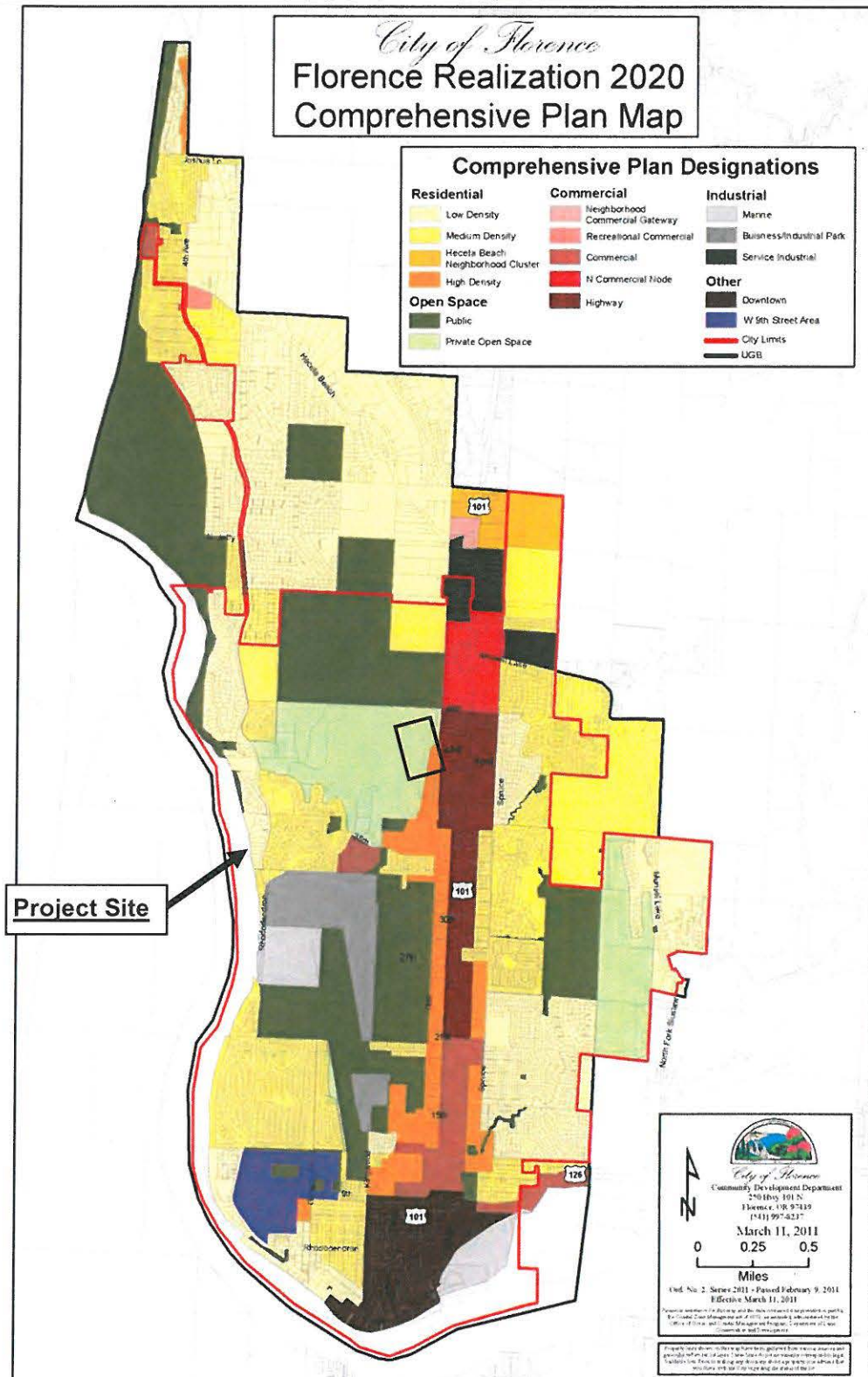
FLORENCE
18122222

NORTH

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/05/2013 **Sheet:** 7 of 8

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Map 7. Comprehensive Plan



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/05/2013 Sheet: 8 of 8

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**Appendix B. Historical Air Photos
1991 to 2010**

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U.S. Army Corps of Engineers Historical Photos

Project Site

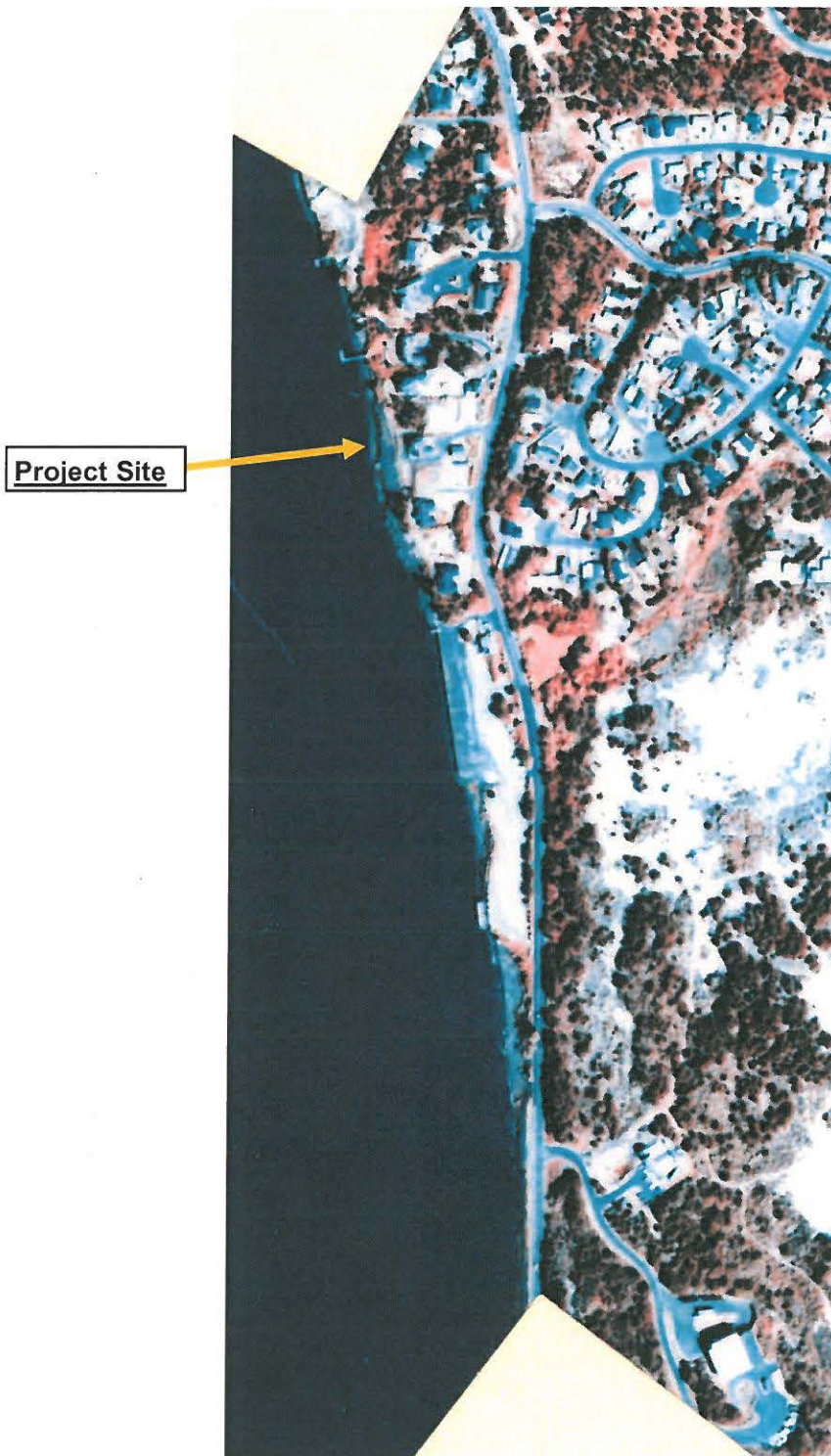


Photograph 1. Shoreline in 1991.

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/24/2013 **Sheet:** 1 of 4

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U.S. Army Corps of Engineers Historical Photos

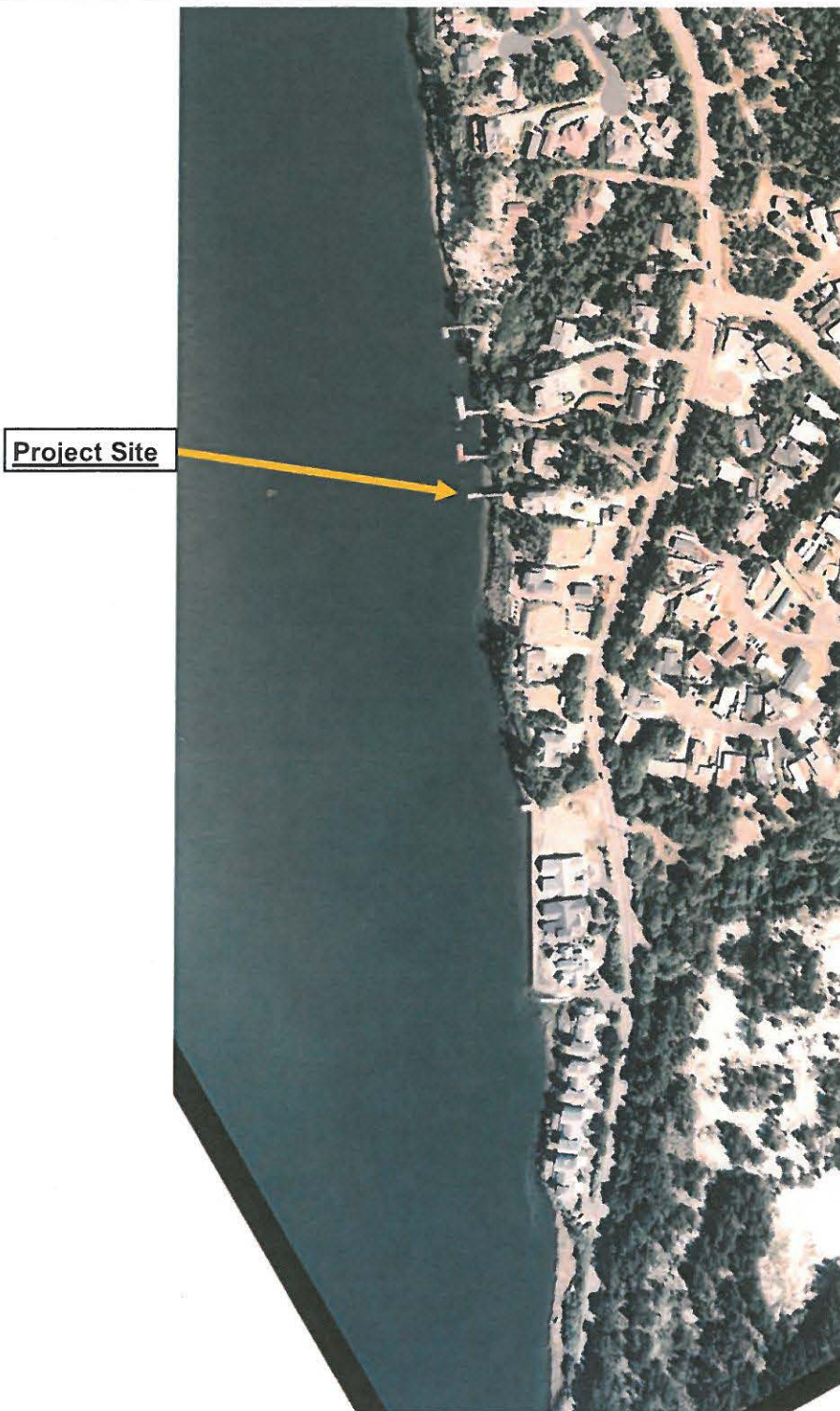


Photograph 2. Shoreline in 2001.

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/24/2013 **Sheet:** 2 of 4

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U.S. Army Corps of Engineers Historical Photos

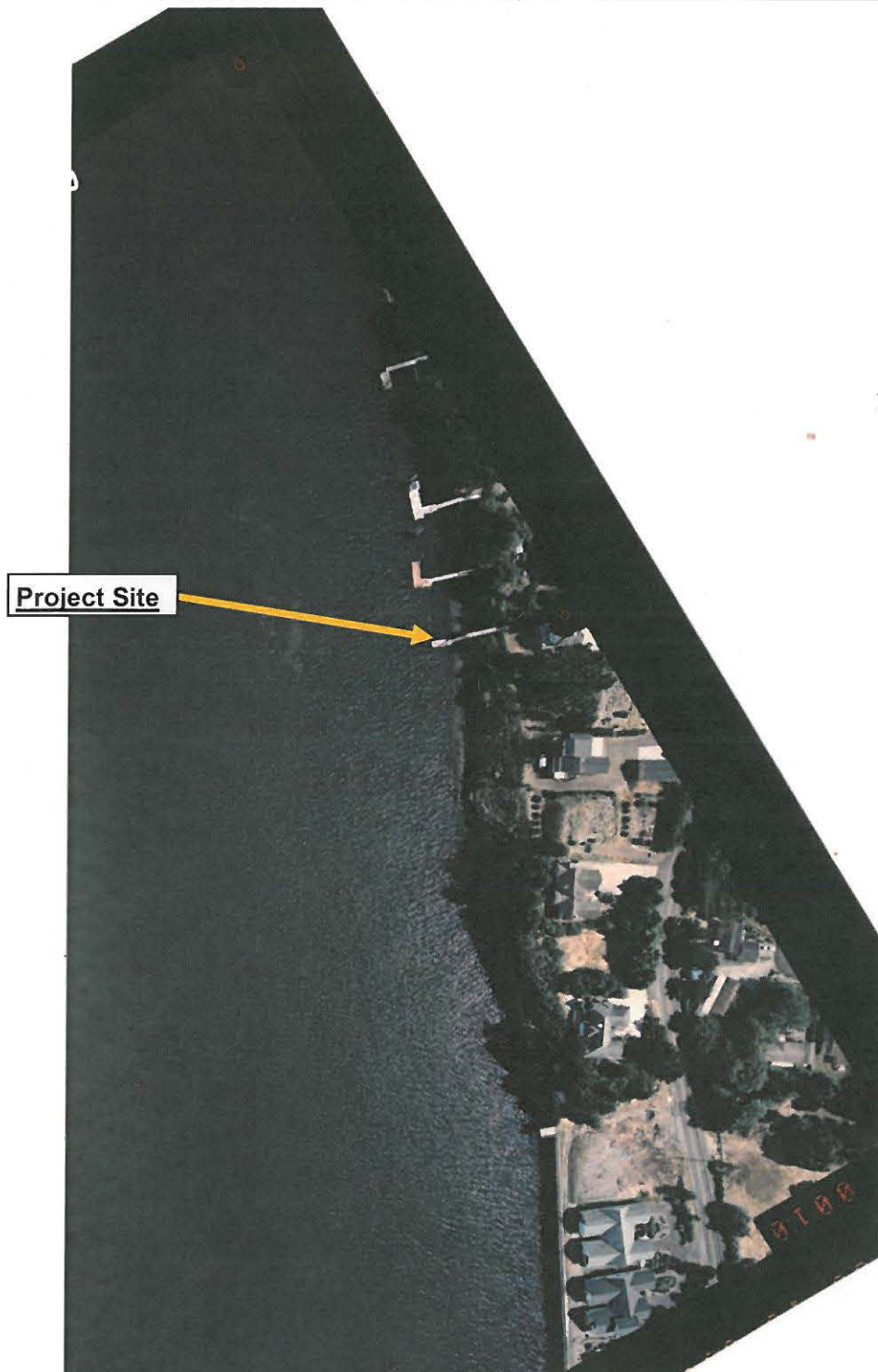


Photograph 3. Shoreline in 2007.

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/24/2013 **Sheet:** 3 of 4

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U.S. Army Corps of Engineers Historical Photos



Photograph 4. Shoreline in 2010.

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 06/24/2013 **Sheet:** 4 of 4

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Appendix D. Joint Application

Northern Resource Consulting, Inc.

Environmental Services

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Longview, Washington 98632

Phone (360) 414-5239



**US Army Corps
Of Engineers (Portland District)**

Joint Permit Application Form

DATE STAMP



AGENCIES WILL ASSIGN NUMBERS

Corps Action ID Number

Oregon Department of State Lands No

SEND ONE SIGNED COPY OF YOUR APPLICATION TO EACH AGENCY

US Army Corps of Engineers:

District Engineer
ATTN: CENWP-OD-GPPO
Box 2946
Portland, OR 97208-2946
503-808-4373

AND

DSL - West of the Cascades:

State of Oregon
Department of State Lands
775 Summer Street, Suite 100
Salem, OR 97301-1279
503-986-5200

O
R

DSL - East of the Cascades:

State of Oregon
Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, Oregon 97701
541-388-6112

AND

Send DSL Application Fees to:

State of Oregon
Department of State Lands
775 Summer Street, Suite 100
Salem, OR 97301-1279
(Attach a copy of the first page of the application)

(1) APPLICANT INFORMATION

Applicant

Name and Address

Steve Kuly
3465 Rhododendron Drive
Florence, OR 97439

Business Phone #

Home Phone # (541) 991-3311

Fax #

Email sjkully@gmail.com

Authorized Agent

Joe Ford

Name and Address

Oregon Marine Construction
9085 Amey Lane NE
Woodburn, OR 97071

Check one

Consultant

☐

Contractor

☒

Business Phone # 866 99-DOCKS

Home Phone # 541 953-5478

Fax #

866 314-7199

Email

joe@oregonmarineconstruction.com

Property Owner

Name and Address

If different from above¹

Business Phone #

Home Phone #

Fax #

Email

(2) PROJECT LOCATION

Street, Road or Other Descriptive Location

3465 Rhododendron Drive
Florence, OR 97439
Mile 1 3/4 Suislaw River

Legal Description (attach tax lot map*)

Township

18S

Range

12W

Section

22

Quarter/Quarter

NW/NW

In or near (City or Town)

Florence

County

Lane

Tax Map #

18122222

Tax Lot #²

900

Wetland/Waterway (pick one)

Suislaw

River Mile (if known)

1 3/4

Latitude (in DD.DDDD format)

43.99707

Longitude (in DD.DDDD format)

-124.12073

Directions to the site

See Attached

¹ If applicant is not the property owner, permission to conduct the work must be attached.

² Attach a copy of all tax maps with the project area highlighted.

• *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

(3) PROPOSED PROJECT INFORMATION

Type: Fill ☐ Excavation (removal) ☐ In-Water Structure ☐ Maintain/Repair an Existing Structure ☒

Brief Description:

Fill

Riprap ☐ Rock ☐ Gravel ☐ Organics ☐ Sand ☐ Silt ☐ Clay ☐ Other: ☐

Wetlands	Permanent (cy)	Temporary (cy)				Total cubic yards for project (including outside OHW/wetlands)
	Impact Area in Acres	Dimensions (feet)				
	L'		W'		H'	
Waters below OHW	Permanent (cy)	Temporary (cy)				Total cubic yards for project (including outside OHW/wetlands)
	Impact Area in Acres	Dimensions (feet)				
	L'		W'		H'	

Removal

Wetlands	Permanent (cy)	Temporary (cy)				Total cubic yards for project (including outside OHW/wetlands)
	Impact Area in Acres	Dimensions (feet)				
	L'		W'		H'	
Waters below OHW	Permanent (cy)	Temporary (cy)				Total cubic yards for project (including outside OHW/wetlands)
	Impact Area in Acres	Dimensions (feet)				
	L'		W'		H'	

Total acres of construction related ground disturbance (If 1 acre or more a [1200-C permit](#) may be required from DEQ)

Is the disposal area upland? Yes ☐ No ☒ Impervious surface created? <1 acre ☐ >1 acre? ☐

Are you aware of any [state](#) or [federally](#) listed species on the project site?

Are you aware of any [Cultural/Historic Resources](#) on the project site?

Is the project site within a national [Wild & Scenic River](#)?

Is the project site within a State Scenic [State Scenic Waterway](#)?*

Yes	No
	NO
	NO
	NO
	NO

If yes, please explain in the project description (in block 4)

(4) PROPOSED PROJECT PURPOSE AND DESCRIPTION

Purpose and Need: Update and Repair Existing Dock

*Provide a description of the public, social, economic, or environmental benefits of the project along with any supporting formal actions of a public body (e.g. city or county government), as appropriate.**

This existing dock is in need of repair and update. The current wooden and aluminum ramps will be replaced with 2 4!x40! aluminum ramps. The wooden stairway will be repaired. The ramp is currently supported by four 12" wooden piling, these wooden piling are in need of replacement. As the cross-section shows, 2 of these piling are below the ordinary high water mark in tidal water, and 2 are above the ordinary high water mark. A fifth and new piling is proposed and will be driven to compliment the two steel piling already in place and help secure the new dock, this piling would be below the OHWM in tidal water. All new piling are to be 12" steel piling with anti-perch caps. The wooden piling will be pulled, and the new piling will be driven using a vibro/impact hammer with sound dampening block.

The current dock will be removed and transported to the local landfill. A new 480sqft wooden dock will be constructed to replace the current dock. This wood dock will be floated using poly-encapsulated floats. The dock will be grated to allow light penetration. The dock will be secured to three 12" steel piling, 2 already in place, and 1 new as outlined above. All construction will be performed from floating barge. New dock, new materials and removed dock will be transported from local launch to construction local over water. No materials or construction equipment will be employed from land to ensure minimal impact on established bank vegetation.

* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

Project Description:

Please describe in detail the proposed removal and fill activities, including the following information:

- Volumes and acreages of all fill and removal activities in waterway or wetland separately
- Permanent and temporary impacts
- Types of materials (e.g., gravel, silt, clay, etc.)
- How the project will be accomplished (i.e., describe construction methods, equipment, site access)
- *Describe any changes that the project may make to the hydraulic and hydrologic characteristics (e.g., general direction of stream and surface water flow, estimated winter and summer flow volumes.) of the waters of the state, and an explanation of measures taken to avoid or minimize any adverse effects of those changes.*
- Is any of the work already complete? Yes ☒ No ☐ If yes, please describe the completed work.

Project Drawings

State the number of project drawing sheets included with this application:

A complete application must include a location map, site plan, cross-section drawings and recent aerial photo as follows and as applicable to the project:

- **Location map** (must be legible with street names)
 - Site plan including;
 - Entire project site and activity areas
 - Existing and proposed contours
 - Location of ordinary high water, wetland boundaries or other jurisdictional boundaries
 - Identification of temporary and permanent impact areas within waterways or wetlands
 - Map scale or dimensions and north arrow
 - Location of staging areas
 - Location of construction access
 - Location of cross section(s), as applicable
 - Location of mitigation area, if applicable
- **Cross section drawing(s)** including;
 - Existing and proposed elevations
 - Identification of temporary and permanent impact areas within waterways or wetlands
 - Ordinary high water and/or wetland boundary or other jurisdictional boundaries
 - Map scale or dimensions
- **Recent Aerial photo** (1:200, or if not available for your site, [the highest resolution available](#))

Will any construction debris, runoff, etc., enter a wetland or waterway? Yes ☐ No ☒

If yes, describe the type of discharge and show the discharge location on the site plan.

Estimated project start date:

3/1/2012

Estimated project completion date:

3/5/2012

(5) PROJECT IMPACTS AND ALTERNATIVES

Alternatives Analysis:

Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterway or wetland. (Include alternative design(s) with less impact and reasons why the alternative(s) were not chosen. Reference OAR 141-085-0565 (1) through (6) for more information).*

1) Demolition and removal of existing dock with no replacement

Remove the existing structure as it is in disrepair and unsafe for use at the current time. Under this alternative piling in tidal water (2 wooden – disrepair and 2 steel – functioning) could be left or removed. If left piling would remain in tidal water with no structure attached. Bare piling could present hazards to users of the river. Removal of four piling would cause additional impact than proposed application, which is to remove two wooden piling in disrepair and add one piling to stabilize dock. Owner under this option would be required to use local marina for temporary/day-use mooring and all river and boat access would be eliminated at the property. Owner would lose significant property value under this option as all river access from property would be lost. This is extremely undesirable to the property owner.

2) Repair of existing structure with no change to dock footprint

Repair the existing dock with no change. Under this alternative the two wooden piling supporting the gangway would still need to be pulled and replaced with two steel piling to accommodate new gangway and access to the dock. The dock would be replaced using a wooden dock floated with poly-encapsulated float. While the current structure provides recreational access from the property, it does not provide relief from the prevailing southwest wind waves and waves created from boats using the navigation channel. Under the current configuration temporary/day-use moorage at the dock isn't feasible as waves make this difficult and cause damage to the dock and moored boat. Under the current configuration boat tie-up is accomplished perpendicular to the river current and is not optimal as a boat is either pushed into or pulled away from the dock depending on tide. In addition the current dock configuration isn't stable for recreational use and foot traffic due to the prevailing waves. The increase in dock footprint and configuration, along with the additional piling, will solve current use concerns listed above and add considerable stability and usability to the dock. This option does provide limited recreational use, but again is undesirable to the property owner.

Measures to Minimize Impacts

Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland. These may include but are not limited to the following:

- *For projects with ground disturbance include an erosion control plan or description of other best management practices (BMP's) as appropriate. (For more information on erosion control practices see DEQ's Oregon [Sediment and Erosion Control Manual](#))*
- *For work in waterways where fish or flowing water are likely to be present, discuss how the work area will be isolated from the flowing water.*
- *If native migratory fish are present (or were historically present) and you are installing, replacing or abandoning a culvert or other potential obstruction to fish passage, complete and attach a statement of how the [Fish Passage Requirements](#), set by the Oregon Department of Fish and Wildlife will be met.*

Piling Removal; the two wooden piling will be pulled. If piling cannot be pulled, piling will be cut at the mud line. New piling; new steel piling will be driven using a vibro/impact hammer with sound dampener. Minimal disturbance is created during driving. Dock and Gangway; grating will be used be on both the dock and gangway to minimize shadow impacts over the water. Bank; minimal disturbance to the bank and vegetation will occur. No vegetation is to be removed. No changes to the bank will be made. Foot traffic on the bank will be minimal during construction.

Description of resources in project area

Ocean ☐ Estuary ☒ River ☒ Lake ☐ Stream ☐ Freshwater Wetland ☐

Describe the existing **physical and biological characteristics** of the wetland/waterway site by area and type of resource (Use separate sheets and photos, if necessary).

For **wetlands**, include, as applicable:

- *Cowardin and Hydrogeomorphic (HGM) wetland class(s)**
- *Dominant plant species by layer (herb, shrub, tree)**
- Whether the wetland is freshwater or tidal
- *Assessment of the functional attributes of the wetland to be impacted**
- Identify any vernal pools, bogs, fens, mature forested wetland, seasonal mudflats, or native wet prairies in or near the project area.)

For **waterways**, include a description of, as applicable:

- *Channel and bank conditions**
- *Type and condition of riparian vegetation**
- *Channel morphology (i.e., structure and shape)**
- *Stream substrate**
- Fish and wildlife (type, abundance, period of use, significance of site)
- *General hydrological conditions (e.g. stream flow, seasonal fluctuations)**

Siuslaw River is a designated ESH, and is used for both commercial and recreational purposes, and provides a navigation channel from the Port of Siuslaw to the Pacific Ocean. It has many commercial and residential docks. The original dock is registered, however the registration is being updated for additional dock square footage, 1 new piling, and the replacement of old wood piling. Updated registration data to be provided upon approval from Lane County. The bank of dock is natural and has vegetation. The current land use is single-family dwelling and a residential boat dock. To our knowledge the sediment is not contaminated in any way. HGM & Cowardin are EFB & E2EM, respectively, and mitigation credits are to be purchased from the local Wilbur Island Mitigation Bank. The channel and bank conditions are stable, but are influenced by annual runoff and other natural seasonal events. The current dock is out of the primary navigation channel and has other residential docks down stream. Vegetation above the dock is established and continuous, and consists of shrubs and trees. The substrate is mud and sand. The Siuslaw river has ocean runs of salmon, steel head, and trout. Shellfish are found in the tidal regions. The river contains various local and migratory waterfowl.

Describe the existing *navigation, fishing and recreational use of the waterway or wetland.**

• *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

Site Restoration/Rehabilitation

- For temporary disturbance of soils and/or vegetation in waterways, wetlands or riparian areas, please discuss how you will restore the site after construction including any monitoring, if necessary*

Minimal to no disturbance of the bank and substrate is expected, no restoration to the project area is expected to be necessary. If damage is done to bank vegetation, it will be replaced at a 3 to 1 ratio.

Mitigation

Describe the reasonably expected adverse effects of the development of this project and how the effects will be mitigated.*

- For permanent impact to wetlands, complete and attach a Compensatory Wetland Mitigation (CWM) Plan. (See [OAR 141-085-0705](#) for plan requirements)*
- For permanent impact to waters other than wetlands, complete and attach a Compensatory Non-Wetland Mitigation (CNWM) plan (See [OAR 141-085-0765](#) for plan requirements)*
- For permanent impact to estuarine wetlands, you must submit a CWM plan.*

The only expected short or long-term impact of this project is the increase in shadow created by the increase size in the proposed dock, and the addition of 1 piling. This will be partially mitigated by using thru-flow grating on the dock to allow for light penetration. Currently the existing dock has no grating. With the new upgraded dock, even with its increased footprint, dock will cast less shadow than the existing dock.

Mitigation credits will be purchased from the local Wilbur Bank Mitigation to provide for the following: 1) the purchased credit will satisfy replacement of function and values lost at the remove and fill site by matching HGM & cowardin, EFB & E2EM, respectively; 2) the Wilbur bank is local to the remove and fill site; 3) the credit purchased is from a self sustaining bank; 4) siting is local and bank siting was considered; 5) mitigation bank and credit is established

Mitigation Location Information (Fill out only when mitigation is proposed or required)

Proposed
mitigation

(Check all that apply):

- ☐ Onsite Mitigation
☐ Offsite Mitigation
☒ Mitigation Bank
☐ Payment to Provide

Type of mitigation:

- ☐ Wetland Mitigation
☐ Mitigation for impacts to other waters
☒ Mitigation for impacts to navigation, fishing, or recreation

Street, Road or Other Descriptive Location

Legal Description (attach [tax lot map](#)*)

Wilbur Island Mitigation Bank

Quarter/Quarter

Section

Township

Range

In or near (City or Town)

County

Tax Map #

Tax Lot #³

Florence

Lane

Wetland/Waterway (pick one)

River Mile (if known)

[Latitude \(in DD.DDDD format\)](#)

[Longitude \(in DD.DDDD format\)](#)

Suislaw

Name of waterway/watershed/[HUC](#)

Name of mitigation bank (if applicable)

Wilbur Island Mitigation Bank

³ Attach a copy of all tax maps with the project area highlighted.

• *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

(6) ADDITIONAL INFORMATION

Adjacent to R-F Site and Physical Mitigation Site Property Owners and Their Address *(if more than 5, attach printed labels*)*

Tax lot 1812222200800 - 3475 N RHODODENDRON DR FLORENCE OR 97439 -
BEHRINGER ROBERT E TE

Tax Lot 1812222201000 - Unknown-Established Address - 1730 TABOR ST
EUGENE, OR 97401 - CHRISTINE JANIS BROWN FAMILY TRUST

Tax Lot 1812222113100 - 429 MYEENA LOOP FLORENCE OR 97439 -
HOLLOWAY JERRY J & JOANNE S

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the Department of State Lands in the past, e.g., wetland delineation, violation, permit, lease request, etc.?

Yes ☒ No ☐

If yes, what identification number(s) were assigned by the respective agencies:

Corps #		State of Oregon #	DSL - 43509
---------	--	-------------------	-------------

Has a wetland delineation been completed for this site? Yes ☐ No ☒

If yes by whom? *

Has the wetland delineation been approved by DSL or the COE? Yes ☐ No ☒

If yes, attach a concurrence letter. *

(7) CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL) *

I have reviewed the project outlined in this application and have determined that:

- ☐ This project is not regulated by the comprehensive plan and land use regulations.
- ☐ This project is consistent with the comprehensive plan and land use regulations.
- ☐ This project will be consistent with the comprehensive plan and land use regulations when the following local approval(s) are obtained.
- ☐ Conditional Use Approval
- ☐ Development Permit
- ☐ Other

This project is not consistent with the comprehensive plan. Consistency requires a

- ☐ Plan Amendment
- ☐ Zone Change
- ☐ Other

An application has ☐ has not ☐ been filed for local approvals checked above.

Local planning official name (print)	Signature	Title	City / County	Date

Comments:

(8) COASTAL ZONE CERTIFICATION *

If the proposed activity described in your permit application is within the [Oregon coastal zone](#), the following certification is required before your application can be processed. A public notice will be issued with the certification statement, which will be forwarded to the Oregon Department of Land Conservation and Development for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Name	Title
Applicant Signature	Date

(9) SIGNATURES FOR JOINT APPLICATION

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or Dept. of State Lands staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. *I understand that payment of the required state processing fee does not guarantee permit issuance. The fee for the state application must accompany the application for completeness.*

Amount enclosed	\$
-----------------	----

Print /Type Name	Title	Print /Type Name	Title
Applicant Signature	Date	Authorized Agent Signature	Date

***Landowner signatures:** For projects and /or mitigation work proposed on land not owned by the applicant, including state-owned submerged and submersible lands, please provide signatures below. A signature by the Department of State Lands for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for authorization to conduct removal/fill activities on such lands. This signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied.*

Print /Type Name	Title	Print /Type Name	Title
Property Owner Signature	Date	Mitigation Property Owner Signature	Date

(1) Applicant Information

Applicant & Owner:

Steve Kuly
3465 Rhododendron Drive
Florence, OR 97439
DSL - 43509
DR - 35309rg
(541) 991-3311
sjkully@gmail.com

Agent:

Joe Ford
Oregon Marine Construction
CCB #179217
9085 Arney Lane
Woodburn, OR 97071
(541) 953-5478
joe@oregonmarineconstruction.com

(2) Project Location:

3465 Rhododendron Drive
Florence OR 97439
Siuslaw river mile 1 1/3
Lane County
18S - 12W - Section 22 - NW of NW
Lat/Long - 43.99707 x -124.12073
Tax Map - 18122222
Tax Lot - 900

(3) Proposed Project Information

Maintain/Repair an Existing Structure

(4) Proposed Project Purpose and Description

This existing dock is in need of repair and update. The current wooden and aluminum ramps will be replaced with 2 4'x40' aluminum ramps. The wooden stairway will be repaired. The ramp is currently supported by four 12" wooden piling, these wooden piling are in need of replacement. As the cross-section shows, 2 of these piling are below the ordinary high water mark in tidal water, and 2 are above the ordinary high water mark. A fifth and new piling is proposed and will be driven to compliment the two steel piling already in place and help secure the new dock, this piling would be below the OHWM in tidal water. All new piling are to be

12" steel piling with anti-perch caps. The wooden piling will be pulled, and the new piling will be driven using a vibro/impact hammer with sound dampening block.

The current dock will be removed and transported to the local landfill. A new 480sqft wooden dock will be constructed to replace the current dock. This wood dock will be floated using poly-encapsulated floats. The dock will be grated to allow light penetration. The dock will be secured to three 12" steel piling, 2 already in place, and 1 new as outlined above. All construction will be performed from floating barge. New dock, new materials and removed dock will be transported from local launch to construction local over water. No materials or construction equipment will be employed from land to ensure minimal impact on established bank vegetation.

(5) Alternative Analysis

Two alternatives to the proposed project are being considered:

1) Demolition and removal of existing dock with no replacement

Remove the existing structure as it is in disrepair and unsafe for use at the current time. Under this alternative piling in tidal water (2 wooden – disrepair and 2 steel –functioning) could be left or removed. If left piling would remain in tidal water with no structure attached. Bare piling could present hazards to users of the river. Removal of four piling would cause additional impact than proposed application, which is to remove two wooden piling in disrepair and add one piling to stabilize dock. Owner under this option would be required to use local marina for temporary/day-use mooring and all river and boat access would be eliminated at the property. Owner would lose significant property value under this option as all river access from property would be lost,. This is extremely undesirable to the property owner.

2) Repair of existing structure with no change to dock footprint

Repair the existing dock with no change. Under this alternative the two wooden piling supporting the gangway would still need to be pulled and replaced with two steel piling to accommodate new gangway and access to the dock. The dock would be replaced using a wooden dock floated with poly-encapsulated float. While the current structure provides recreational access from the property, it does not provide relief from the prevailing southwest wind waves and waves created from boats using the navigation channel. Under the current configuration temporary/day-use moorage at the dock isn't feasible as waves make this difficult and cause damage to the dock and moored boat. Under the current configuration boat tie-up is accomplished perpendicular to the river current and is not optimal as a boat is either pushed into or pulled away from the dock depending on tide. In addition the current dock configuration isn't stable for recreational use and foot traffic due to the prevailing waves. The increase in dock footprint and configuration, along with the additional piling, will solve current use

concerns listed above and add considerable stability and usability to the dock. This option does provide limited recreational use, but again is undesirable to the property owner.

Measures to Minimize Impacts:

Piling Removal; the two wooden piling will be pulled. If piling cannot be pulled, piling will be cut at the mud line. New piling; new steel piling will be driven using a vibro/impact hammer with sound dampener. Minimal disturbance is created during driving. Dock and Gangway; grating will be used on both the dock and gangway to minimize shadow impacts over the water. Bank; minimal disturbance to the bank and vegetation will occur. No vegetation is to be removed. No changes to the bank will be made. Foot traffic on the bank will be minimal during construction.

Description of resources in project area:

Siuslaw River is a designated ESH, and is used for both commercial and recreational purposes, and provides a navigation channel from the Port of Siuslaw to the Pacific Ocean. It has many commercial and residential docks. The original dock is registered, however the registration is being updated for additional dock square footage, 1 new piling, and the replacement of old wood piling. Updated registration data to be provided upon approval from Lane County. The bank of dock is natural and has vegetation. The current land use is single-family dwelling and a residential boat dock. To our knowledge the sediment is not contaminated in any way. HGM & Cowardin are EFB & E2EM, respectively, and mitigation credits are to be purchased from the local Wilbur Island Mitigation Bank. The channel and bank conditions are stable, but are influenced by annual runoff and other natural seasonal events. The current dock is out of the primary navigation channel and has other residential docks down stream. Vegetation above the dock is established and continuous, and consists of shrubs and trees. The substrate is mud and sand. The Siuslaw river has ocean runs of salmon, steel head, and trout. Shellfish are found in the tidal regions. The river contains various local and migratory waterfowl.

Site Restoration/Rehabilitation:

Minimal to no disturbance of the bank and substrate is expected, no restoration to the project area is expected to be necessary. If damage is done to bank vegetation, it will be replaced at a 3 to 1 ratio.

Mitigation:

The only expected short or long-term impact of this project is the increase in shadow created by the increase size in the proposed dock, and the addition of 1 piling. This will be partially mitigated by using thru-flow grating on the dock to allow for light penetration. Currently the existing dock has no grating. With the new

upgraded dock, even with its increased footprint, dock will cast less shadow than the existing dock.

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(6) Additional Information

Adjacent property owners:

Tax lot 1812222200800 - 3475 N RHODODENDRON DR FLORENCE OR 97439 -
BEHRINGER ROBERT E TE

Tax Lot 1812222201000 - Unknown-Established Address - 1730 TABOR ST
EUGENE, OR 97401 - CHRISTINE JANIS BROWN FAMILY TRUST

Tax Lot 1812222113100 - 429 MYEENA LOOP FLORENCE OR 97439 -
HOLLOWAY JERRY J & JOANNE S



Oregon

Theodore R. Kulongoski, Governor

November 19, 2010

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregonstatelands.us

State Land Board

Theodore R. Kulongoski
Governor

Kate Brown
Secretary of State

Ted Wheeler
State Treasurer

AP410\35309-RG
GABE AND KELLEY ESSOE
20 QUARTZ COURT
PITTSBURG CA 94565

REGISTRATION 35309-RG

Dear Mr. and Mrs. Essoe:

This letter is to inform you that your dock has been authorized. The issue date is October 1, 2010 and the expiration date is September 30, 2015.

Under OAR 141-082-0160(4) you will still be required to notify the Department of any of the following changes:

- a) Change in the location of registered structure ninety (90) days prior to such change.
- b) Change in ownership of a registered structure within ninety (90) days of the transfer of ownership.

Your registration must be renewed every five (5) years. The Department will notify you by mail and provide a form to renew the registration ninety (90) days prior to the expiration date of the registration.

Sincerely,

Nancy N. Pustis
Western Region Manager
Land Management Division

C: Lane County Assessors
Lane County Planning
Oregon State Marine Board





**Waterway Structure
Registration Renewal
Application**
(One Structure Per Application)

Date Received
RECEIVED
JUL 26 2010
DEPARTMENT OF
STATE LANDS

AGENCY WILL ASSIGN NUMBER

Waterway Inventory No. 10174

AGENCY WILL ASSIGN NUMBER

Oregon Department of State Lands Application No. 35309-RG

SEND COMPLETE AND SIGNED APPLICATION TO:

(West of the Cascade Crest)

WESTERN REGION

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
503-986-5200
FAX: 503-378-4844

www.oregonstatelands.us

(East of the Cascade Crest)

EASTERN REGION

Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, OR 97701
541-388-6112
FAX: 541-388-6480

1 - APPLICANT INFORMATION

Applicant's Name and Mailing Address:

GABE ESSOE
20 Quariz Ct
Pittsburg, CA 94565

Business Phone: 925 709-3232

Home Phone: 925 383-1355

Fax: 866-829-5081

email Address: gabe@essoe.com

Structure Location: 3465 Rhododendron Dr

FLORENCE, OR 97439

Has the structure been modified, since the last time you registered? ☐ Yes ☒ No

(If yes, please complete the Waterway Structure Registration Application)

Has the structure been moved since the last time you registered it? ☐ Yes ☒ No

(If yes, please complete the Waterway Structure Registration Application)

If no changes to structure in the last five years, please remit the appropriate fee listed below.

Registration fee of \$ 125 (from Section 2 below). Mail payment to: Department of State Lands, Unit 18, PO Box 4395, Portland, OR 97208-4395

2 - STRUCTURE TYPE

(check applicable box; one application per structure unless combined as for dock and boat house)

<input checked="" type="checkbox"/> Dock or Float Only	<input type="checkbox"/> Boat House Only	<input type="checkbox"/> Dock with Boat House (No Upper Deck)	Fee Per 5 Year Term
<input checked="" type="checkbox"/> Less than 1,000 sq ft	<input type="checkbox"/> Less than 1,000 sq ft	<input type="checkbox"/> Less than 1,000 sq ft	<u>\$125</u>
<input type="checkbox"/> 1,001 to 2,000 sq ft	<input type="checkbox"/> 1,001 to 2,000 sq ft	<input type="checkbox"/> 1,001 to 2,000 sq ft	\$250
<input type="checkbox"/> 2,001 to 2,500 sq ft	<input type="checkbox"/> 2,001 to 2,500 sq ft	<input type="checkbox"/> 2,001 to 2,500 sq ft	\$300
<input type="checkbox"/> Floating Recreational Cabin (must be less than 1,500 sq ft) See OAR 141-82-0020(24)			\$350
<input type="checkbox"/> Revetments, attenuators, retaining walls, riprap, etc.			\$125
<input type="checkbox"/> Other (Please describe—for example: ski jump, mooring buoy, piling, and navigational aids, etc.)			\$125 Minimum

I certify that to the best of my knowledge, the structure identified in this application meets all applicable local, state, and federal laws including the local comprehensive land use plan and zoning ordinance requirements.

[Signature]
Applicant Signature

7-20-10
Date

FOR OFFICE USE ONLY

Registration Fee: 125

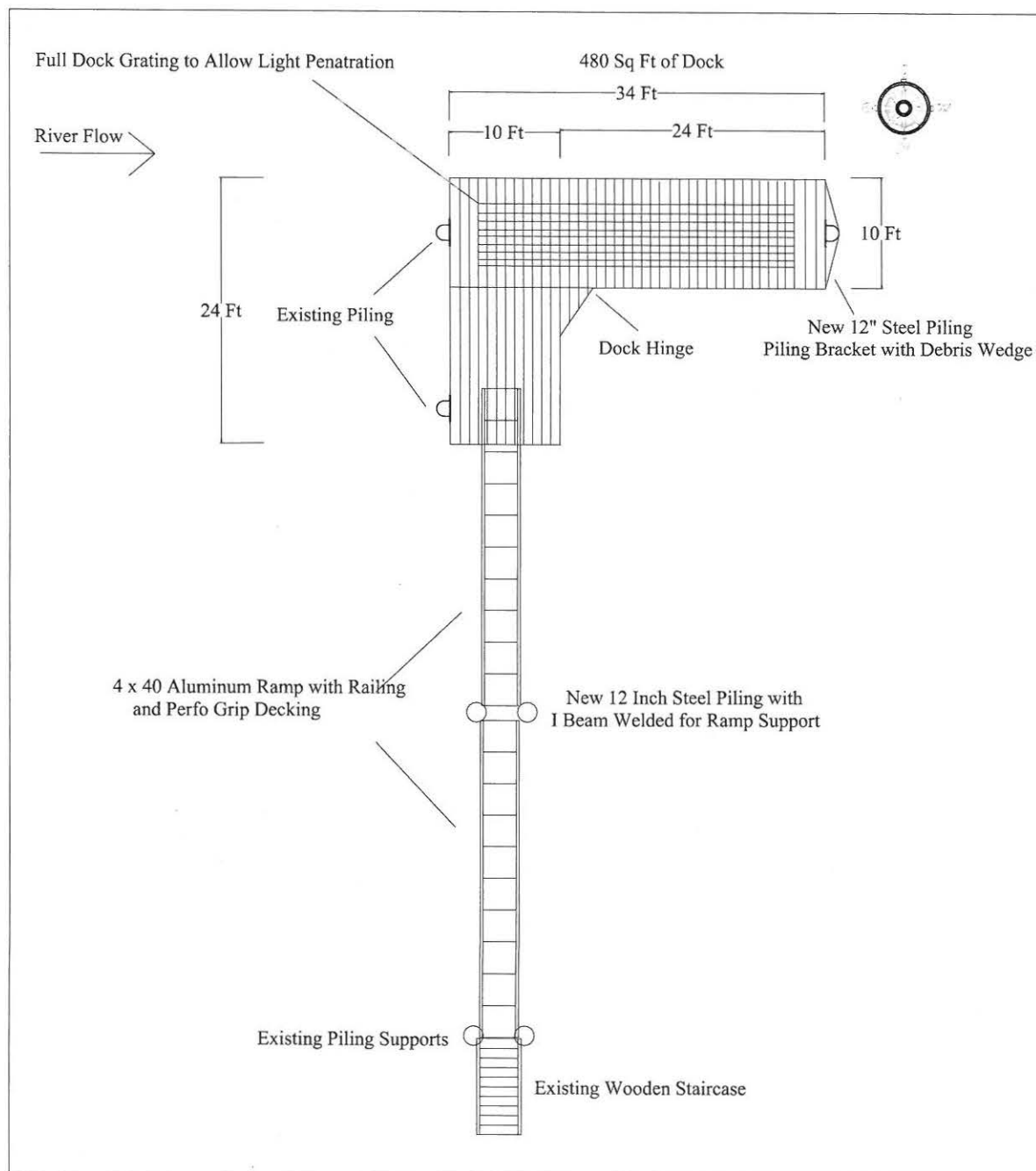
Date Paid: 7/26/10

File Number: 35309-RG

Registration Approved By:
Nancy A. Pustis

EFFECTIVE DATE:
10/1/2010

EXPIRATION DATE:
9/30/2015

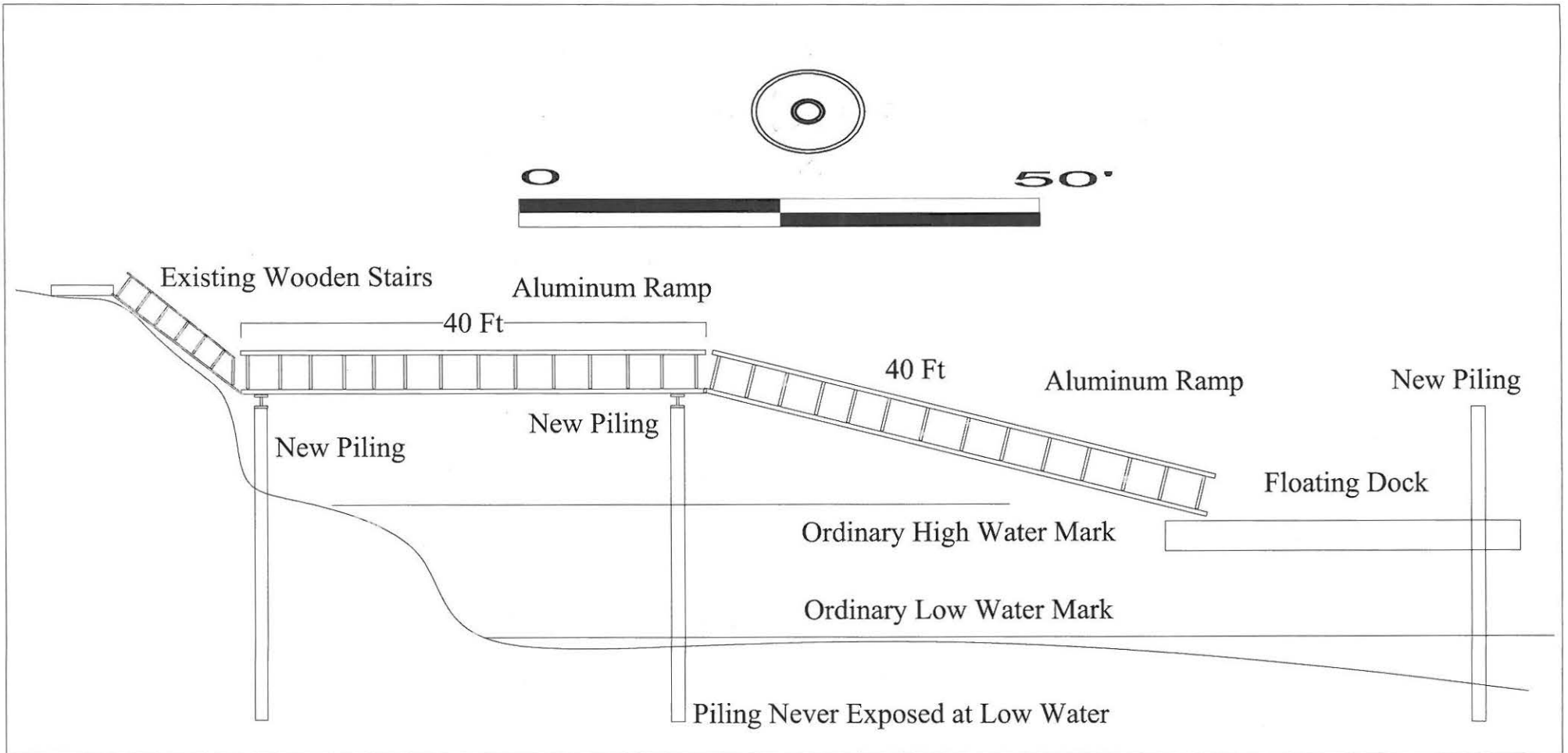


Steve Kuly - Siuslaw River

Oregon Marine Construction LLC

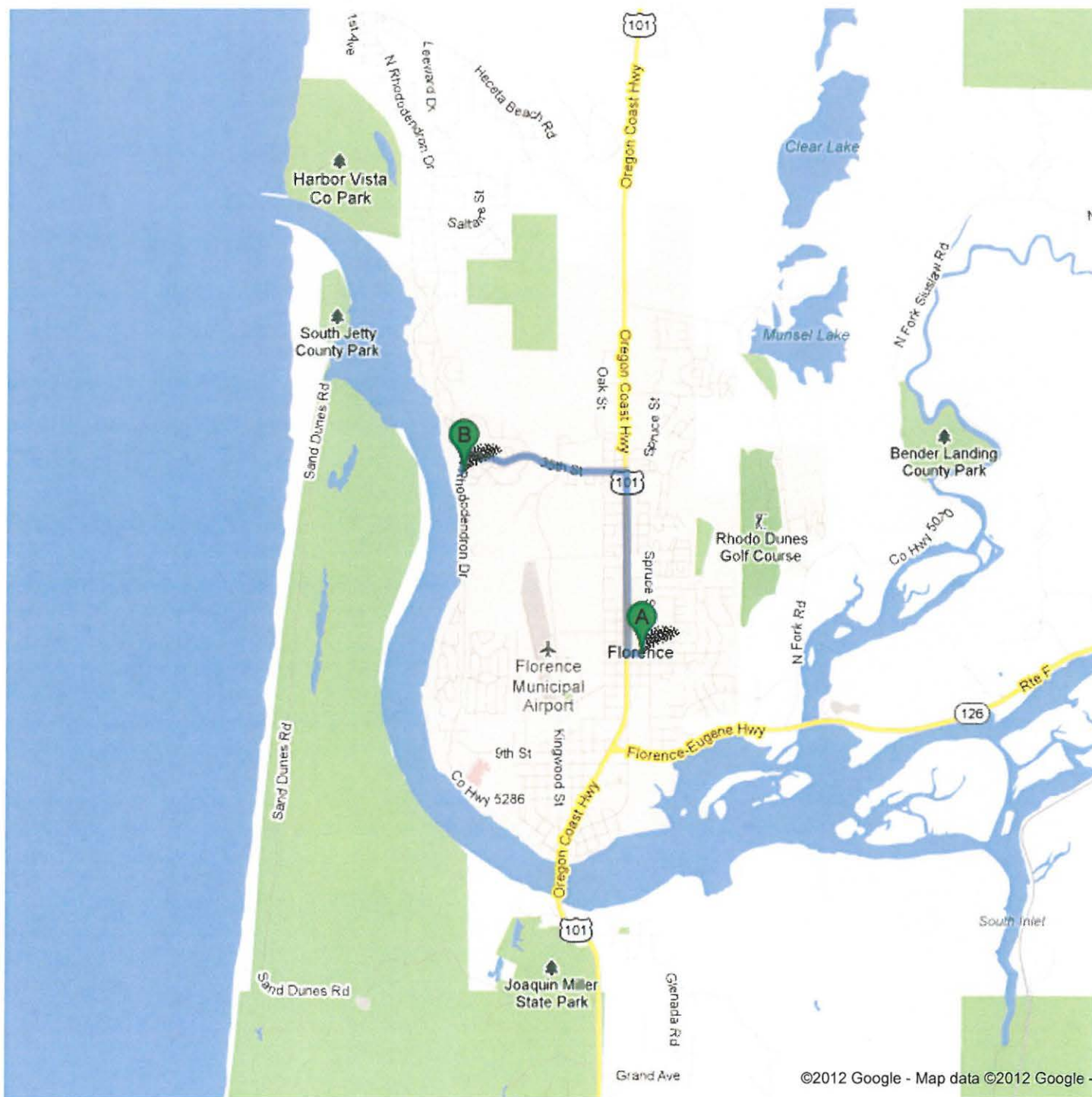
85365 Hwy 101
Florence OR, 97439

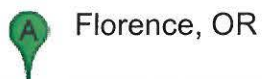
Phone: 866-99-DOCKS
FAX: 866-314-7199




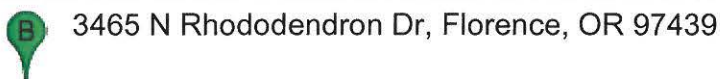




Directions to 3465 N Rhododendron Dr, Florence, OR 97439
2.1 mi – about 7 mins





1. Head **west** on **18th St** toward **US-101 S**go 374 ft
total 374 ft 2. Take the 1st right onto **US-101 N**
About 2 minsgo 1.0 mi
total 1.1 mi 3. Turn left onto **35th St**
About 4 minsgo 0.9 mi
total 2.0 mi 4. Turn left onto **N Rhododendron Dr**
Destination will be on the rightgo 0.1 mi
total 2.1 mi

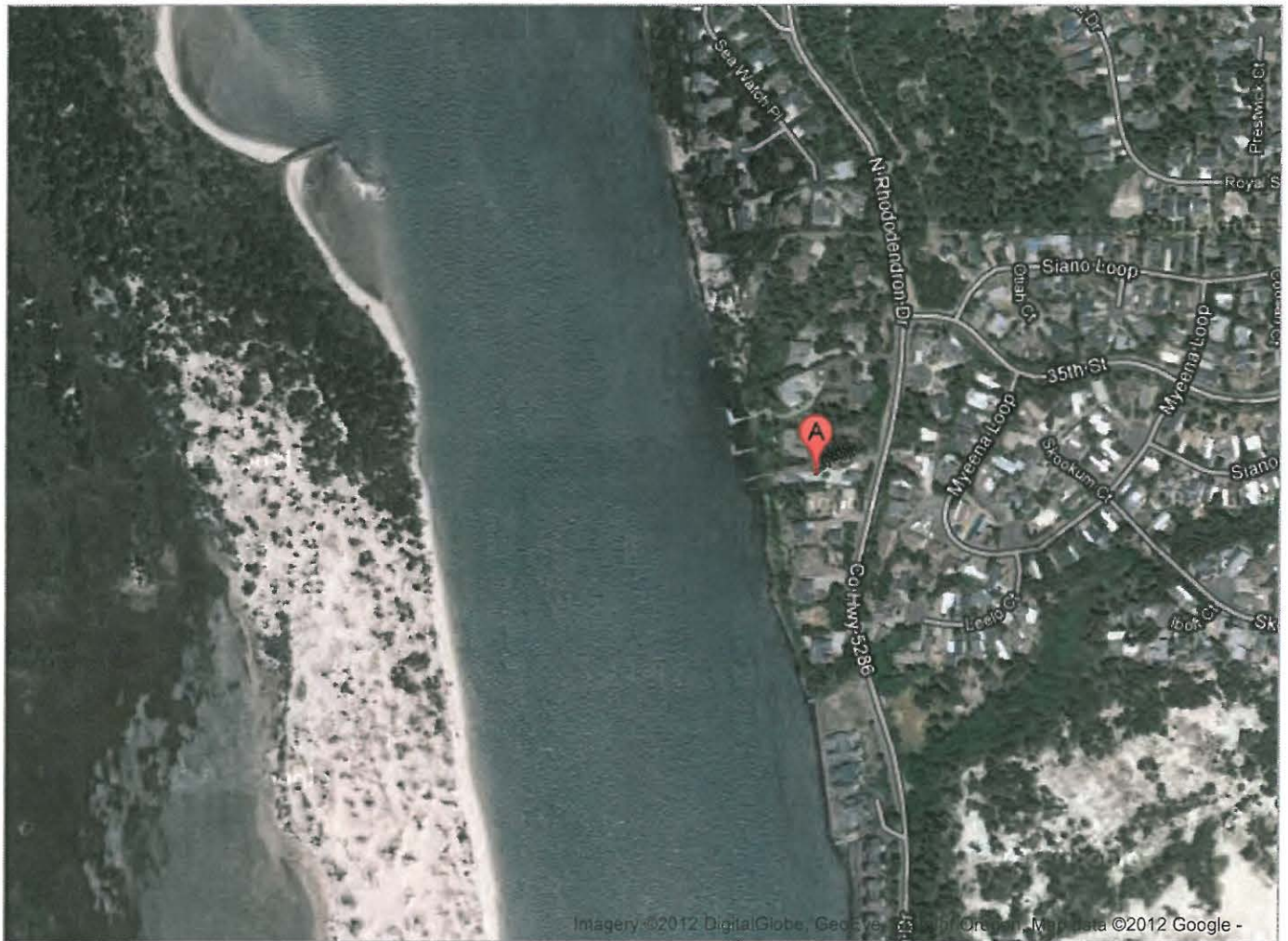
These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2012 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.



To see all the details that are visible on the screen, use the "Print" link next to the map.



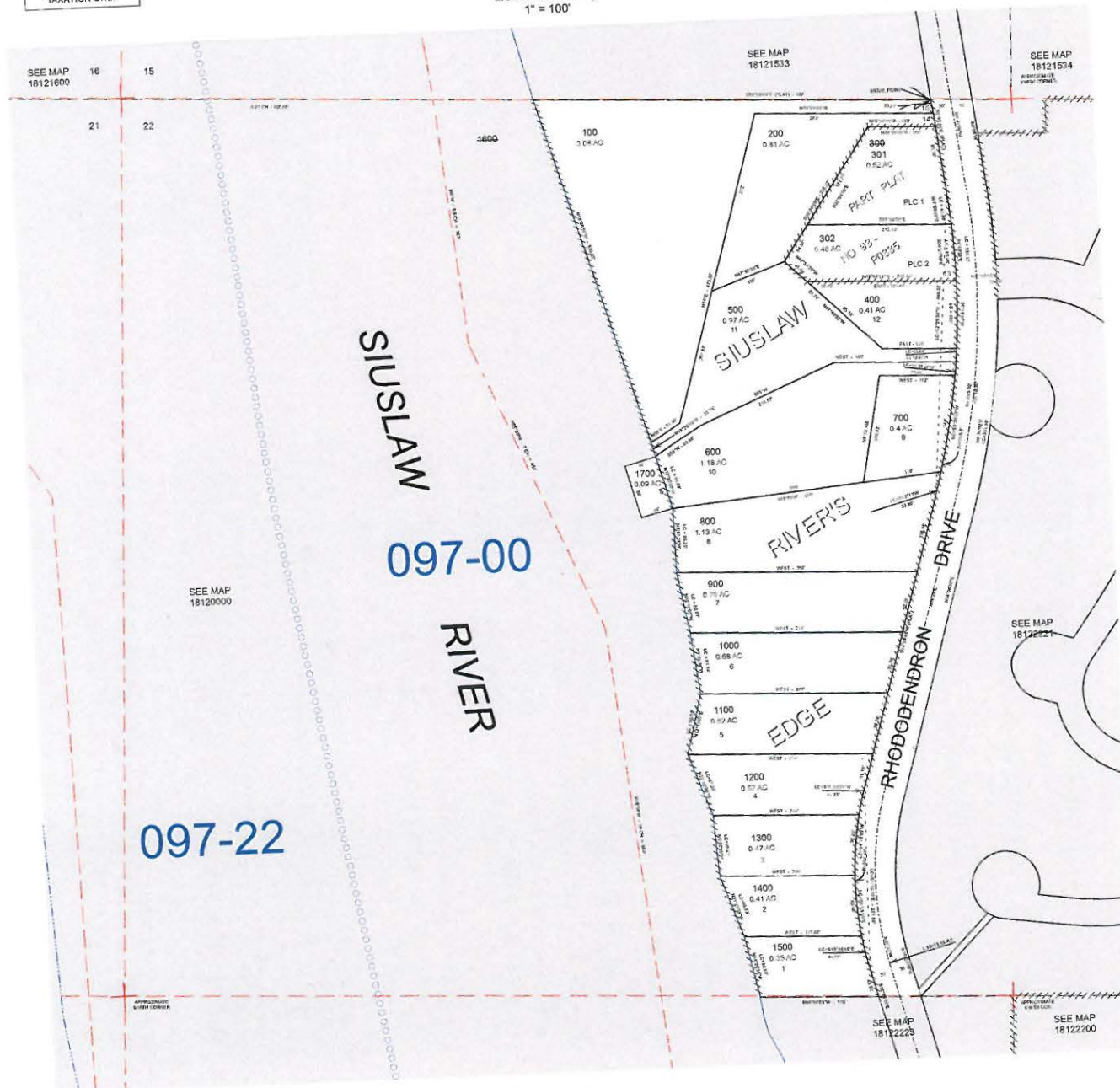


GIS DATA
28/2011 4:21:00 PM lcalitr

REVISIONS
10/25/2006 - LOCAT140 - CONVERT MAP TO HRS
3/11/2007 - LOCAT141 - ADD FL 1100
03/09/11 - LOCAT147 - MEC MAP CORR - ADDED MESNO LOT #3

FOR ASSESSMENT AND
TAXATION ONLY

N.W.1/4 N.W.1/4 SEC.22 T.18S. R.12W. W.M.
Lane County
1" = 100'



Appendix E. Conditional Use Permit Approval Criteria

Northern Resource Consulting, Inc.

Environmental Services

1339 Commerce Avenue, Suite 309B

Longview, Washington 98632

Phone (360) 414-5239

City of Florence Conditional Use Permit Approval Criteria

Applicant: Steve Kuly 3465 North Rhododendron Drive Florence, Oregon 97439

Applicants Representative: Brian Perleberg, Northern Resource Consulting, inc. 1339
Commerce Avenue, Suite 309B Longview, Washington 98632

10-4-1: DESCRIPTION AND PURPOSE: Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special considerations involve, among other things:

- A. The size of the area required for development of such uses;

Response: The project is to replace the existing serviceable floating dock with one that provides more stability to the applicant's current and future use. The size of the current residential dock is approximately 16 foot by 6 foot (96 square feet) and the applicant Steve Kuly would propose to install a 480 square foot dock (site plan).

- B. The effect such uses have on the public utility systems;

Response: The residential dock is considered an aperture to the residential dwelling and will require not require any public utility service.

- C. The nature of traffic problems incidental to operation of the use;

Response: There have been no identified traffic problems, all equipment would be brought in by water, all work complete over-the-water and there will not be any known or foreseen traffic issues related to this residential dock project. Material would be placed in a material handling barge floating over-the-water and may be secured to the breakwater structure while pile driving is occurring.

- D. The effect such uses have on any adjoining land uses; and

Response: Adjacent land owners have been notified and they have not expressed any negative impacts related to the project, implementation, construction material selection (mostly aluminum) besides steel piles, or timing of project occurrence. The project is simply a single and complete, replacement of the existing residential dock structure.

- E. The effect such uses have on the growth and development of the community as a whole.

Response: As Florence grows, the residential docks structure owned by Steve Kuly would not hamper waterfront enjoyment, water-related sports, utilization of the Siuslaw River at RM 2.15. The adjacent shoreline is inaccessible and the near vertical

bank precludes public access. Within 1-2 miles there are several park-like areas near the property and within the City of Florence for individuals to enjoy recreation, leisure and waterfront enjoyment adjacent to the Siuslaw River which is under public or state ownership.

All uses permitted conditionally are declared to be in possession of such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts created by this Title. The authority for the location and operation of certain uses shall be subject to review by the Planning Commission and issuance of a conditional use permit. The purpose of review shall be to determine the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable, so that the basic purposes of this Title shall be served. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82).

10-4-2: USE PERMIT PREREQUISITE TO CONSTRUCTION: When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent.

10-4-3: APPLICATIONS: The application for a conditional use permit shall be made in writing to the Planning Commission by the owner of the land in consideration or his agent, duly authorized in writing. The application shall include the following information:

A. Site and building plans and elevations.

Response: Based on review of the U.S. Geological Service Map the property is consistently flat from elevation 40 Ft. NVGD 29. The property has a slight ½ percent slope towards the Siuslaw River.

B. Existing conditions on the site and within three hundred feet (300') of a site that is one (1) acre or larger and within one hundred feet (100') from a site that is less than one (1) acres in size.

Response: The applicant's parcel is .69-acre in size identified in the appraisal reviewed however, in the Cascade Title report map it shows the property is 0.76-acre in size. Irrespective of this discrepancy the site is still under an acre and we have provided a general description of property and uses within 300 linear feet boarding the property. Existing conditions of the property are residential to the north, south and east. The subject assessor's parcel no. 13990003, Tax Lot No. 00600, and is found on parcel map 18122222 (Map 6a). Adjacent to the property to the south is a vacant undeveloped lot. North Rhododendron Drive borders the property to the east side and is oriented north to south and the property is bound by the Siuslaw River along the western edge of the property. Fronting the parcel within the Siuslaw River is a small dock with a ramp and

float which extend perpendicular to the shoreline extending into the river. Upriver of the residential dock is a small breakwater which was installed 3-5 years ago before Steve Kuly owned the property and severs to protect the residential docks from floating debris. If however the tide changes and sea debris or root structure are flowing upriver this breakwater offers little protection to small boats.

B. Existing and proposed utility lines and easements.

Response: The applicant's representative has spoken to Ron Miller with Public Works Department on July 10, 2013 and he is providing a map showing the locations for the water and sewer (Attachment A). Robin Hicks from Central Lincoln Public Utilities District provided a map showing the above ground power lines and below ground utilities (Attachment A). Irrespective of the location of these utilities NRC will ensure the contractor will call first for private locates internal to the property before commencing the project. No easements would could be easily identified or ascertained.

C. Operational data explaining how the buildings and uses will function.

Response: Not applicable, the applicant is not constructing any dwellings or buildings.

D. Any other pertinent information requested by the Planning Commission such as architectural renderings of the buildings and structures involved in the proposed development.

Response: We are amenable in providing reference drawings within reason to the City of Florence. The project is not building any structures but may be procedurally termed a development related to the City of Florence code.

10-4-10: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Design Review Board. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82).

A. Regulation of uses, special yard setbacks, coverage and height.

Response: The applicant is unaware of any special set-backs or coverage and heights related to waterfront construction. If there are special provisions we would apply these to the project, and make them enforceable requirement for the contractor.

- B. Requiring fences, walls, screens and landscaping plus their maintenance.

Response: The applicant will install orange lattice fencing around the shoreline vegetation to ensure this is adequately protected when the work is being completed for five consecutive days. At the present time the work area is within the river and at a lower tide elevation, the Steve Kuly house blocks or screens anyone from observing the project work site from the land. At the present time, we feel this minimum level of screening related to protection of vegetation is all that may be necessary. We don't think lateral screening along the edges of the property will serve any beneficial purpose for this short-term project duration.

- C. Regulation and control of points of vehicular ingress and egress.

Response: There will be no contractors entering or exiting the property all workers access is by the water and no parking will be provided to the contractor. No ingress or egress into or out of the property by the contractor.

- D. Regulation of noise, vibration, odors, and unsightliness.

Response: The contractor will work for approximately 5 days installing the project and there will be noise, and vibration from the impact and vibratory hammer for installation of each of the pile (Approximately 2 hours per pile). The welding associated with the residential dock and ramp is completed at the contractor's shop in Woodburn, Oregon so we don't expect any odors. We will keep the project site as clean as possible to reduce any unsightliness.

- E. Requiring surfacing of parking areas.

Response: The applicant will require the contractor to park off-site and boat into the project site. We don't anticipate on-site parking will be needed or necessary on any public city streets fronting the property. We recognize this is within a residential zoned area and we don't want to impact or affect any critical services the city provides.

- F. Requiring rehabilitation plans.

Response: The applicant considered the replacement of the dock a rehabilitation of an existing serviceable structure. The new dock is expected to require little or no maintenance for a period of 20 years.

G. Regulation of hours of operation and duration of use or operation.

Response: The applicant has agreed to not starting in any work before 8:00 AM and will cease work by 5:00 P.M. during the daylight hours Monday through Friday. We recognize this is within a residential neighborhood and wish to not cause any offensive noises before people are normally active (morning or in the evenings).

H. Requiring a time period within which the proposed use shall be developed.

Response: The applicant wants to have the project completed during the in-water work period for Siuslaw Bay from November 1 to February 15. If the City of Florence opts to use the Siuslaw River in-water work period from July 1 to September 15 this is yet another option the contractor has identified there preferred timing is between March 1 – 5th. We would expect the project timing be well supported scientifically as to when the City will allow the contractor to perform the in-water work. Correspondence with Kelli Weese, Director of Building and Planning Department who mentioned the City of Florence will defer to Oregon DSL to recommend and in-water work period.

I. Requiring bonds to insure performance of special conditions.

Response: The applicant is open to have the contractor obtain a performance bond for any special conditions that the City of Florence may impose that is clearly reasonable.

J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.

Response: While the project is along and within the riparian area of the Siuslaw River at RM 2.15 we are unaware of any required vegetation removal. If required we can place orange lattice construction fence around the existing vegetation to better protect this while the waterfront contractor is working. This lattice fence would be removed after the project is complete to maintain the scenic qualities of the Oregon Coast.

K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.

Response: The applicant is amenable to entertaining project conditions that make the project design fit the context and intent of the Florence Comprehensive Plan.

10-4-11: ADDITIONAL CONDITIONS: None of the rest of this section of the Conditional Use seems applicable to this residential dock project therefore; we are not detailing out the applicants responses to this code language. If however, the City of Florence believes this would be important to include any or some of this language we would want to know how it ties directly to the project. The applicant and applicant's representative don't believe this section applies to the project as proposed.

Northern Resource Consulting, Inc. ENVIRONMENTAL SERVICES

September 4, 2013

Project No. 69124A

Jacob Callister,
Associate Planner
Lane County Council of Governments
859 Willamette Street, Suite 500
Eugene, Oregon 97401-2910

Kelli Weese,
Planning Director and City Recorder
City of Florence
Community Development Department
250 Highway 101
Florence, Oregon 97439-7623

RE: Conditional Use Permit PC 13 07 CUP 03 dated August 7, 2013

Dear Jacob and Kelli:

The following information is now included as requested in a letter from Jacob Callister, Please submit the following materials required for the processing of a Conditional Use Permit.

1. On the site plan show and label the existing dock location and size, and show and label the proposed dock location and size.

The existing dock location and size is now shown on the attached Figure 1 (Existing Dock Footprint vs. Proposed Dock). The existing dock (floating portion) is 16 feet long and 6 feet wide (96 square feet), while the proposed dock is 480 square feet.

2. On the site plan please show and label approximate existing neighboring dock locations and sizes.

Neighboring waterfront structures shows the nearby docks and debris boom along with relative distances to the existing Kuly Dock (Figure 2). The nearest structure is approximately 25 feet upriver (south) of the Kuly dock.

3. Please submit a "Resource Capability Assessment" as defined by Florence City Code Section 10-19-1-B (Attachment A). Some of the items required for the assessment may currently be included in the application materials already submitted, however, we need the following applicable materials assembled into a single item labeled the "Resource Capability Assessment."
 - a. The type of resources affected. The type of resources likely to be affected by the proposed action shall be inventoried. Sources which can be used include: Lane County Coastal Resource Inventory, environmental impact statements for the Siuslaw River, or other published information from

federal or state agencies, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians or other public sources.

- b. The expected extent of impacts of the proposed alterations on water quality and other physical characteristics of the estuary, living resource, recreation and aesthetic use, navigation and other existing and potential uses of the estuary.
- c. The methods which could be employed to avoid or minimize adverse impacts. Where adverse impacts have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts.

Resource Capability Assessment (Florence City Code Section 10-19-1-B):

1. Purpose: Uses Requiring a Special Use Permit (Administrative Review) or Conditional Uses in the Natural Estuary (NE) and Conservation Estuary (CE) Districts are allowed only if determined to be consistent with the Resource Capabilities of the area and the purpose of the management unit in which the use or activity occurs. The purpose of this subsection is to establish a procedure for making a Resource Capabilities Assessment. Major activities or uses in the estuary may require an Estuarine Impact Assessment. Those uses do not also require this Resource Capability Assessment.

Response: We agree and are providing a supplement to the Conditional Use Permit to include a Resource Capability Assessment as identified within the Conservation Estuary District (Map 10).

2. Definition of Resource Capability Assessment: An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. Definitions specific to Estuary Management Units (MUs) are as follows:

- a. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when it is able to assimilate the use or activity and its effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

Response: Not applicable; the work area is not within this zone.

- b. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when it is able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

Response: The proposed project location is just within the Conservation Estuary District nearly bordering the Development Estuary District (Map 10). The project purpose is seasonal recreational use, with crabbing along the shoreline. The effects of over-the-water structures have been studied for several years, and several studies have shown negative effects of shading in freshwater zones within shallow water areas defined as less than 15 to 20 feet deep. This project incorporates grating to counteract the effect of shading in the shallow marine waters, which is favored by state and federal agencies and commonly referred to as a conservation measure.

Further, the project will have no influence on the riparian habitat within or above the tidally influenced zone of the lower Siuslaw River because there is no intensification of use of the connection point to the shore. The Oregon Coast Coho Salmon will migrate through this section of the Siuslaw River in late spring and early summer (April to July) without any change in the river ecology at the project location. The proposed project will allow continued recreational enjoyment of the lower Siuslaw River, estuary and ocean activities, and having little change in aesthetics along the shoreline. We expect no net loss of biological productivity of this section of the lower Siuslaw River by installation of this residential dock structure. Recreational and aesthetic values will be maintained for future generations to enjoy the lower Siuslaw River. At the present time we are unaware of any active aquaculture site where fish are raised (net pens) or shellfish harvest that would be affected by implementing this residential dock project.

3. Identification of Resources and Impacts: The required assessment need not be lengthy or complex, but it should enable reviewers to gain a clear understanding of the impacts to be expected. The application for a proposed use or activity in which a resource capability determination must be made shall submit information on the following. The Planning Director may waive inapplicable items for any particular use or project.

- a. The type and extent of alterations expected.

Response: The dock and associated access will be replaced in whole (Figure 1). This will include the two sections of walkway to access the dock, the 96 square feet of floating dock and four steel piling. The walkways and piling will be replaced in kind with a new larger dock and one additional piling installed. There will be a net increase of 384 square feet of overwater structures and a net benthic impact of 113.097 square inches (.785 square feet). Due to the newly proposed dock grating of 60 percent, the actual underwater shading created by the new dock at five times the size of the original will only be double the amount as before (192 square feet).

- b. The type of resources affected. The type of resources likely to be affected by the proposed action shall be inventoried. The City shall assist the applicant in locating sources of information. Sources which can be used include: Lane County Coastal Resources Inventory, environmental impact statements for the Siuslaw River, or other published information concerning the Siuslaw estuary, or more current resource information from federal or state agencies, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians or other public sources.

Response: Resources in the area including but not limited to federally listed Coho Salmon, recreational fishing, boating, swimming, water transportation of goods, ecological functions, etc., are not expected to have a permanent negative impact or effect from the proposed dock maintenance project. The project will be implemented during a time, November 1, 2013 to February 15, 2014, when it is least likely that the Oregon Coast Coho Salmon will be migrating through the project location from April to July. It is expected that minor amounts of turbidity will result from piling installation though this will be temporary and only while piling are installed; no long-term effects are expected from elevated localized turbidity.

- c. The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary.

Response: It is not expected that the dock maintenance project will have any permanent or long-term negative influence or effect on water quality, living resources, recreation, shoreline aesthetics, navigation, or any other uses within the estuary. Oregon Coast Coho Salmon migrate through this section of the river April to July, though are unlikely to be present during project implementation. Additionally, it is unlikely that spawning or rearing habitat exists at the project location. Temporary water quality impacts will result from turbidity during installation; typically any sediment resuspended settles out within 20 to 30 minutes within a few meters of the project site. The project is on the shoreline outside of any navigational channel and is replacing an existing dock with an updated, safer, and functional dock (Map 1, Figure 1). The impacts associated with the project include a net benthic disturbance of 113.097 square inches (.785 square feet) and a net increase of 384 square feet for the dock. Pile installation and removal will require less than 5 to 6 hours.

- d. The methods which could be employed to avoid or minimize adverse impacts. Where adverse impacts have been or can be identified,

information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts.

Response: Installation of piling will be performed using a vibro/impact hammer to reduce the effects of underwater sound pressure levels (SPLs). The pile-driving equipment used is the smallest rated vibro/impact hammer with an effective range of 120 dB RMS (root mean squared) to 165 dB RMS. The effects of sound on fish are varied and range from acute and sometimes fatal effects such as damage to auditory receptors and rupture of the swim bladder to chronic effects such as behavioral changes and long-term stress (ICF Jones and Stokes and Illingworth & Rodkin 2009, Hastings & Popper 2005). Behavioral effects to fish resulting from pile-driving noise may include avoidance of the area, changes in migratory routes, delayed migration, or interruption of spawning. Juvenile salmonids and other fish species may move away from protected shoreline habitat because of increased noise, making them more susceptible to predation. The noise also may increase predation on small fish by masking the sound of approaching predators (Anderson 1990). Attempts to quantify the level of sound at which these effects occur are few and largely inconclusive (Hastings & Popper 2005).

NMFS's current pile-driving noise thresholds for fish less than 2 grams in size are a peak pressure of 206 dB and an accumulated sound exposure level (SEL) of 183 dB. For fish larger than 2 grams, thresholds are a peak pressure of 206 dB and an accumulated SEL of 187 dB. These limits (the "harm" thresholds) are based on their potential to cause physical injury. In addition, a 150 dB root mean square (RMS) threshold (the "harassment" threshold) for potential behavioral effects also is applied. Oregon Coast Coho Salmon would be affected at the "harassment" threshold level of 150 dB_{RMS} (190 dB_{PEAK}) but under the threshold level that causes physical "harm" of 206 dB_{PEAK}.

Aquatic disturbances or changes from baseline conditions:

The lower Siuslaw River, in the summer and winter months is an active place with boat traffic, currents, tides, and waves creating in-water noise up to 100 dB_{RMS} to 120 dB_{RMS} occurring throughout much of the year. NMFS has established an underwater noise disturbance threshold of 120 dB_{RMS} for nonimpulse contentious industrial noises (such as those generated by vibratory pile driving) for cetaceans and pinnipeds. For this project we have shown that the vibratory pile driver, while operating during pile installation and extraction, is likely to generate SPLs above the disturbance threshold for marine mammals (California and Steller Sea Lions). Steller Sea Lions' current "harassment" threshold level is set at 150 dB_{RMS} (190 dB_{PEAK}), but under the threshold level that causes physical "harm".

Conservation Measures:

- 1) Additionally, the dock will be surfaced with 60 percent grating to allow light penetration to the water below.
 - 2) Comply with the defined in-water work period of November 1 to February 15.
 - 3) Marine mammals and ESA-listed fish are present from April to July during peak migration periods; these time periods should be avoided for the in-water work of driving the piling.
 - 4) While the pile driving is under way have a trained marine mammal observer watch for marine mammals at the job site while vibratory pile driving occurs.
 - 5) Use the minimum size piles necessary to support the floating structure and the gangway (12-inch-diameter pile)
4. Resource Capability Assessment: Information on resources present and impacts to be expected will be evaluated as part of the Special Use Permit or Conditional Use Permit procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination, and will be used whenever possible to reduce duplication of effort between agencies.

Response: The implementation of the project will not impair the function of the estuary ecosystem as a composite, though it may have a temporary minor effect with turbidity plumes from pile installation though this will be short term. Oregon Coast Coho Salmon migrate through the project site typically April to July.

5. Resource Capability Findings: Unless fully addressed during the development and adoption of the Comprehensive Plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources. Based on the analysis of resources and impacts, one of the following findings shall be concluded in approving the use permit, otherwise it shall be denied:
- a. The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or

Response: The site is designated as low-density residential in the Comprehensive Plan (Map 7).

- b. The impacts of the use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or

Response: The proposed project would not have a significant impact on estuarine species, habitats, biological productivity, or water quality due to the limited in-water work period, duration of the proposed project, grated decking on the dock, and minimized piling installation. Oregon Coast Coho Salmon migrate in the Siuslaw River late spring into early summer, April to July, and are not likely to be present during project implementation. The net impact on the project would be one additional piling (.785 square feet) and 480 square feet of 60 percent grated decking resulting in an increase of underwater shading by 96 square feet or double the size of the original dock though having a surface five times as large (Figure 1).

- c. In the Natural Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education; or

Response: Not applicable.

- d. In the Conservation Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

Response: The proposed project location is just within the Conservation Estuary District nearly bordering the Development Estuary District (Map 10). The project will have no influence on the riparian habitat within or above the tidally influenced zone of the lower Siuslaw River. The Oregon Coast Coho Salmon will migrate through this section of the Siuslaw River in late spring and early summer, April to July, without any change in the river ecology at the project location. The proposed project will allow continued recreational enjoyment of the lower Siuslaw River, estuary and ocean activities, and result in little change to aesthetics along the shoreline.

- 6. Notification of Agencies: Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:
 - a. U.S. Fish and Wildlife Service
 - b. U.S. Environmental Protection Agency
 - c. U.S. Army Corps of Engineers
 - d. National Marine Fisheries

- e. Oregon Dept. of Fish and Wildlife
- f. Oregon Dept. of Land Conservation and Development
- g. Oregon Department of State Lands
- h. Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

Response: When the joint application goes to the resource agencies there are public notices issued which are dispersed to the affected tribes, along with state and federal agencies.

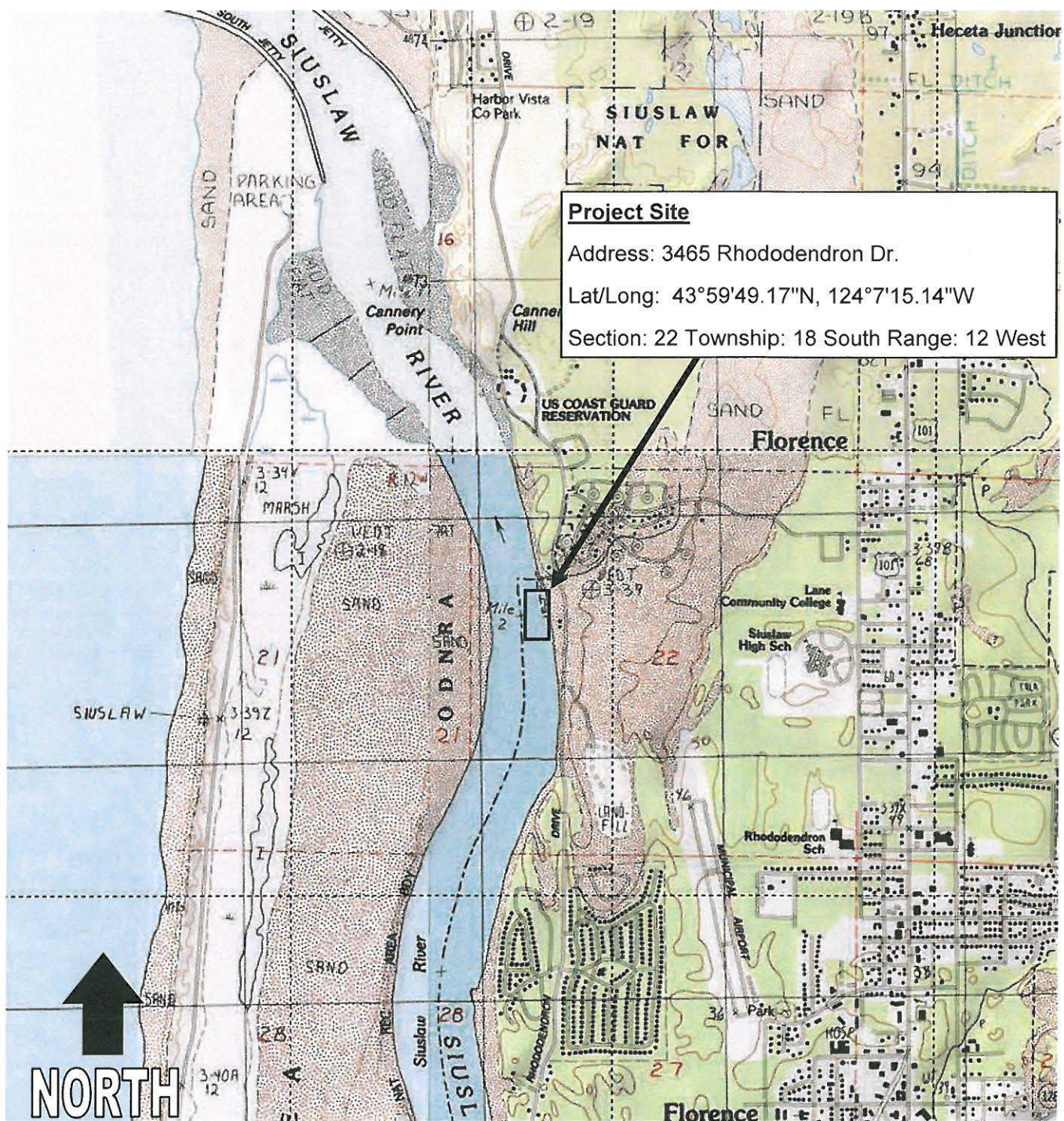
References:

Anderson, J.J. 1990. Assessment of the Risk of Pile Driving to Juvenile Fish. Fisheries Research Institute, University of Washington. Seattle, Washington. Available at: <http://www.cbr.washington.edu/papers/jim/deep-foundations.pdf>. Accessed September 2013.

ICF Jones and Stokes and Illingworth and Rodkin. 2009. Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish. Prepared for the California Department of Transportation. Available at: http://www.dot.ca.gov/hq/env/bio/files/Guidance_Manual_2_09.pdf. Accessed September 2013.

Hastings, M.C. and A.N. Popper. 2005. Effects of Sound on Fish. Prepared under subcontract to Jones & Stokes under California Department of Transportation Contract No. 43A0139, Task Order 1. Funding Provided by the California Department of Transportation. August 23, 2005. Available at: http://www.dot.ca.gov/hq/env/bio/files/Effects_of_Sound_on_Fish23Aug05.pdf. Accessed September 2013.

Map 1. Vicinity Map



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 Sheet: 1 of 11

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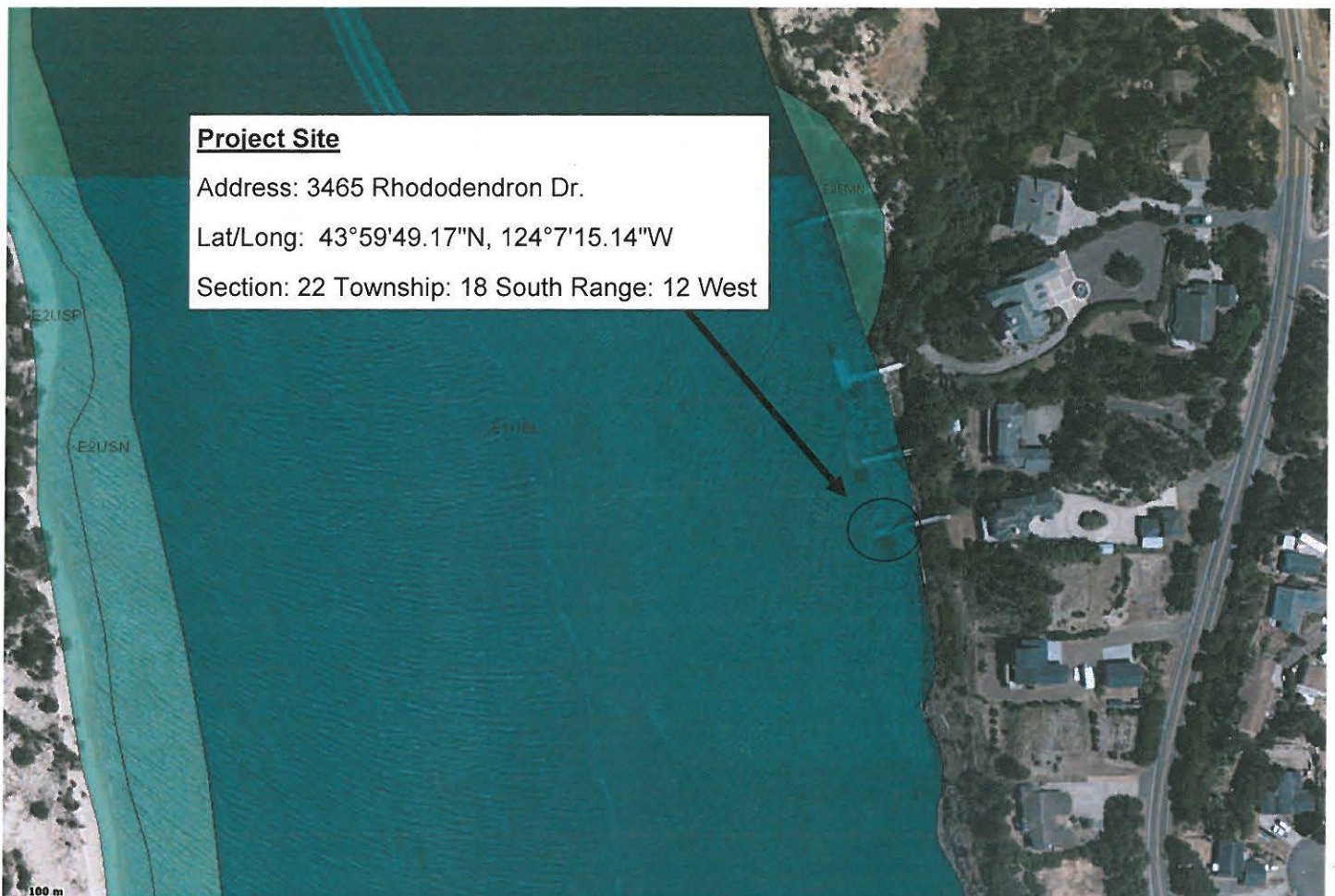
Map 2. Satellite Image (Google Earth)



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 **Sheet:** 2 of 11

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Map 3. National Wetland Inventory Map



Wetland Code Meanings:

E1UBL: Estuarine, Subtidal, Unconsolidated Bottom, Subtidal

E2USP: Estuarine, Intertidal, Unconsolidated Shore, Irregularly Flooded

E2USN: Estuarine, Intertidal, Unconsolidated Shore, Regularly Flooded

E2EMN: Estuarine, Intertidal, Emergent, Regularly Flooded

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 Sheet: 3 of 11

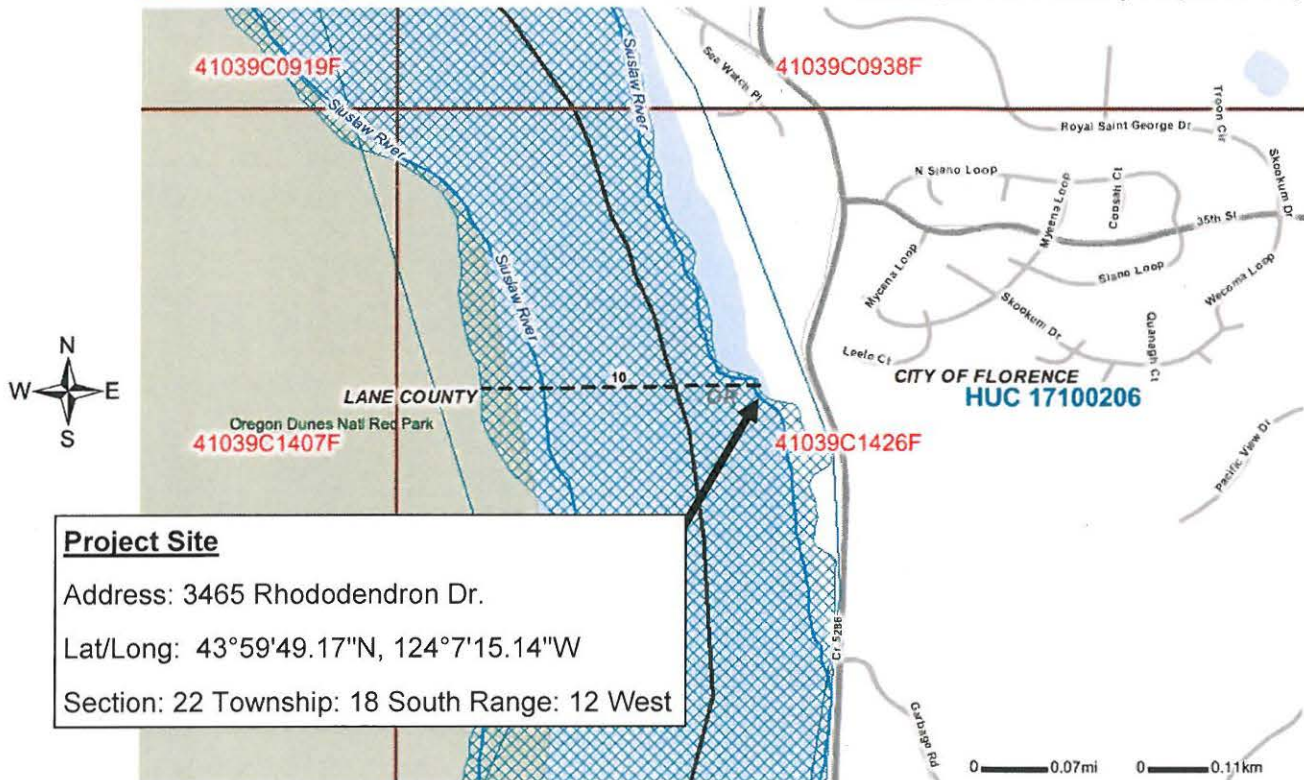
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Map 4. FEMA FIRMette

Mapping
Information Platform

Steve Kuly

This Map Is For Advisory Purposes Only



Project Site

Address: 3465 Rhododendron Dr.

Lat/Long: 43°59'49.17"N, 124°7'15.14"W

Section: 22 Township: 18 South Range: 12 West

Legend

- | | | | |
|---|--|---|---|
| <ul style="list-style-type: none"> Cities Other Places Small Towns Small Cities State Largest Cities Major Cities Completed LOMAs USGS Quads Watershed (HUC) LOMR's DFIRM Panels Bench Marks River Distance Markers General Structures Culverts Foot Bridges Dams (cont) | <ul style="list-style-type: none"> Levees Wing Walls Base Flood Elevation BFE with NGVD29 datum BFE with NAVD88 datum BFE with other datum Cross Section Lines Cross Section with NGVD29 datum Cross Section with NAVD88 datum Cross Section with other datum Political Jurisdictions DFIRM Streets PRIMARY ROAD SECONDARY ROAD RAILROAD OTHER ROAD Streams | <ul style="list-style-type: none"> Water Body Floodways Flood Hazard Zone Boundaries Flood Hazard Zones Zone A Zone AE Zone A1 Zone AO Zone AR Zone A99 Zone V Zone VE Zone D Zone O 0.2% Annual Chance Flood Hazard Zone Streets Streets Major Roads (cont) | <ul style="list-style-type: none"> Highways Major Highways Railroads States ZIP Code Boundary Parks National Parks and Forests State Parks and Forests Local Parks Lakes, Major Rivers Land Areas US Other Countries |
|---|--|---|---|

Wednesday, 5 June 2013 12:10

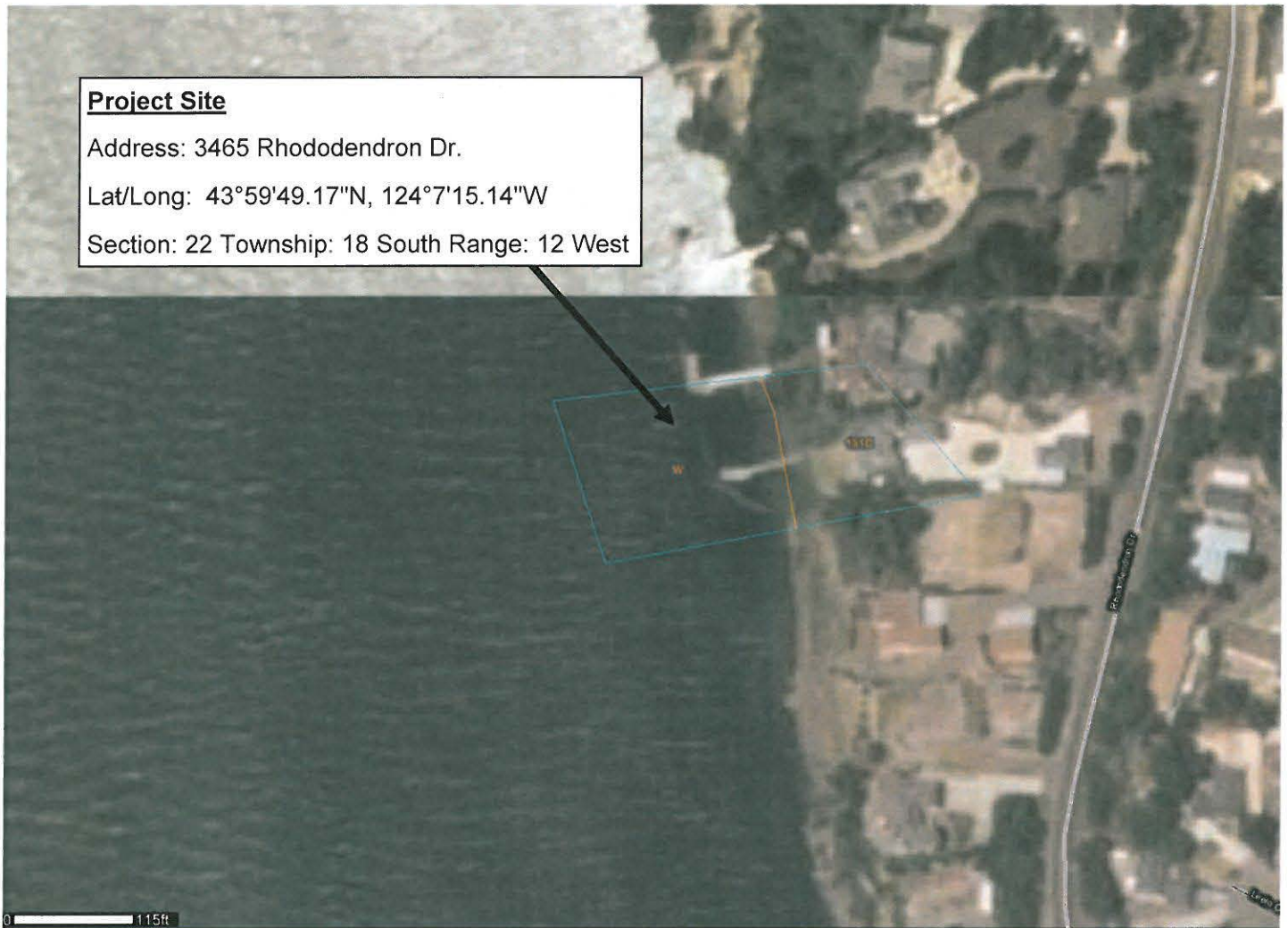


FEMA

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 Sheet: 4 of 11

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Map 5. USDA Soils



Lane County Area, Oregon (OR637)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
131C	Waldport fine sand, 0 to 12 percent slopes	0.5	39.6%
W	Water	0.7	60.4%
Totals for Area of Interest		1.2	100.0%

Applicant: Steve Kuly
Adjacent Property Owners:
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In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
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Map 6a. Tax Parcel



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 **Sheet:** 6 of 11

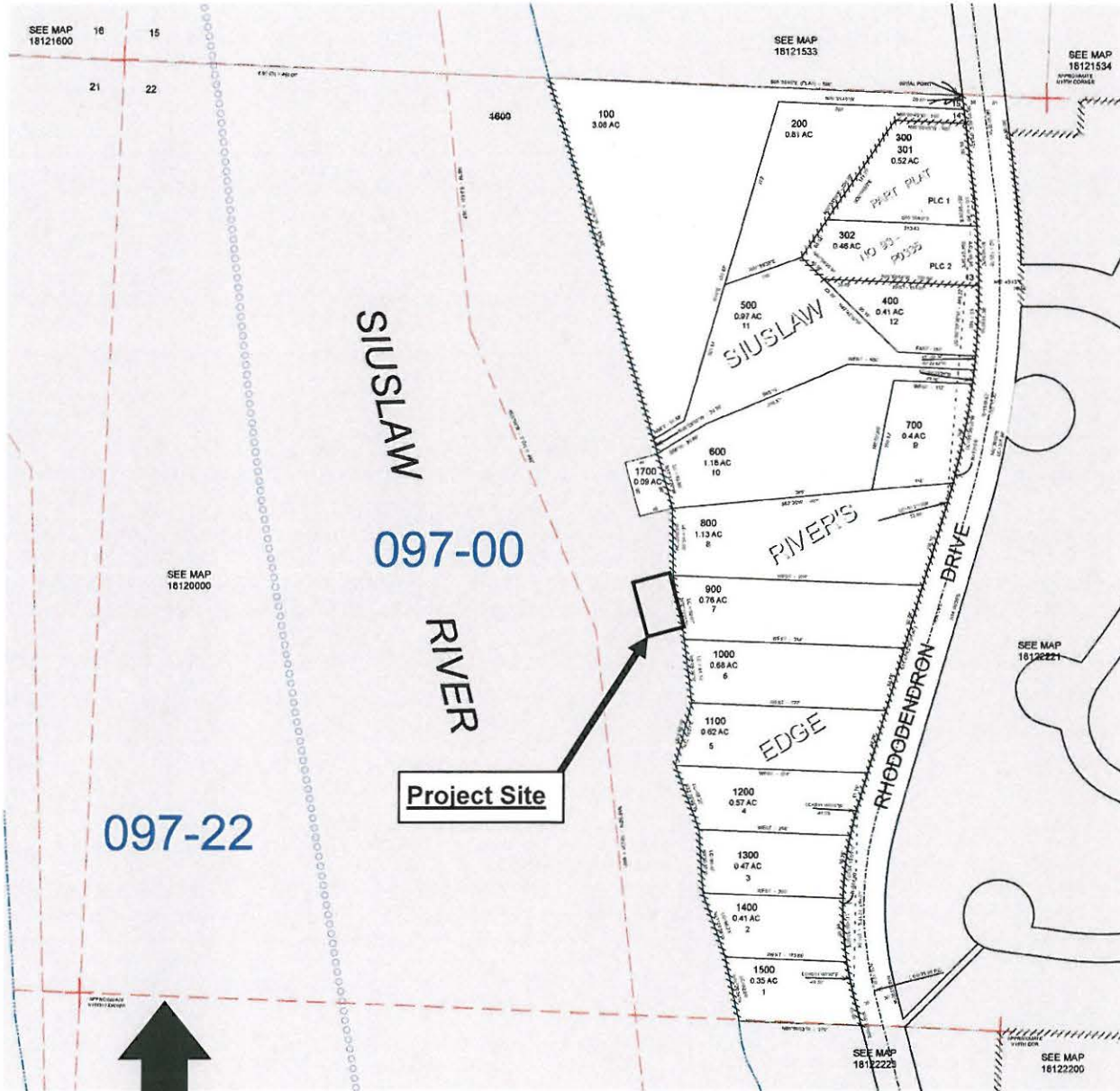
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Map 6b. Tax Parcel

FOR ASSESSMENT AND
TAXATION ONLY

N.W.1/4 N.W.1/4 SEC.22 T.18S. R.12W. W.M.
Lane County
1" = 100'

18122222
FLORENCE



GIS DATA
2/6/2011 4:21:03 PM kcb

CANCELLED:
1600
300

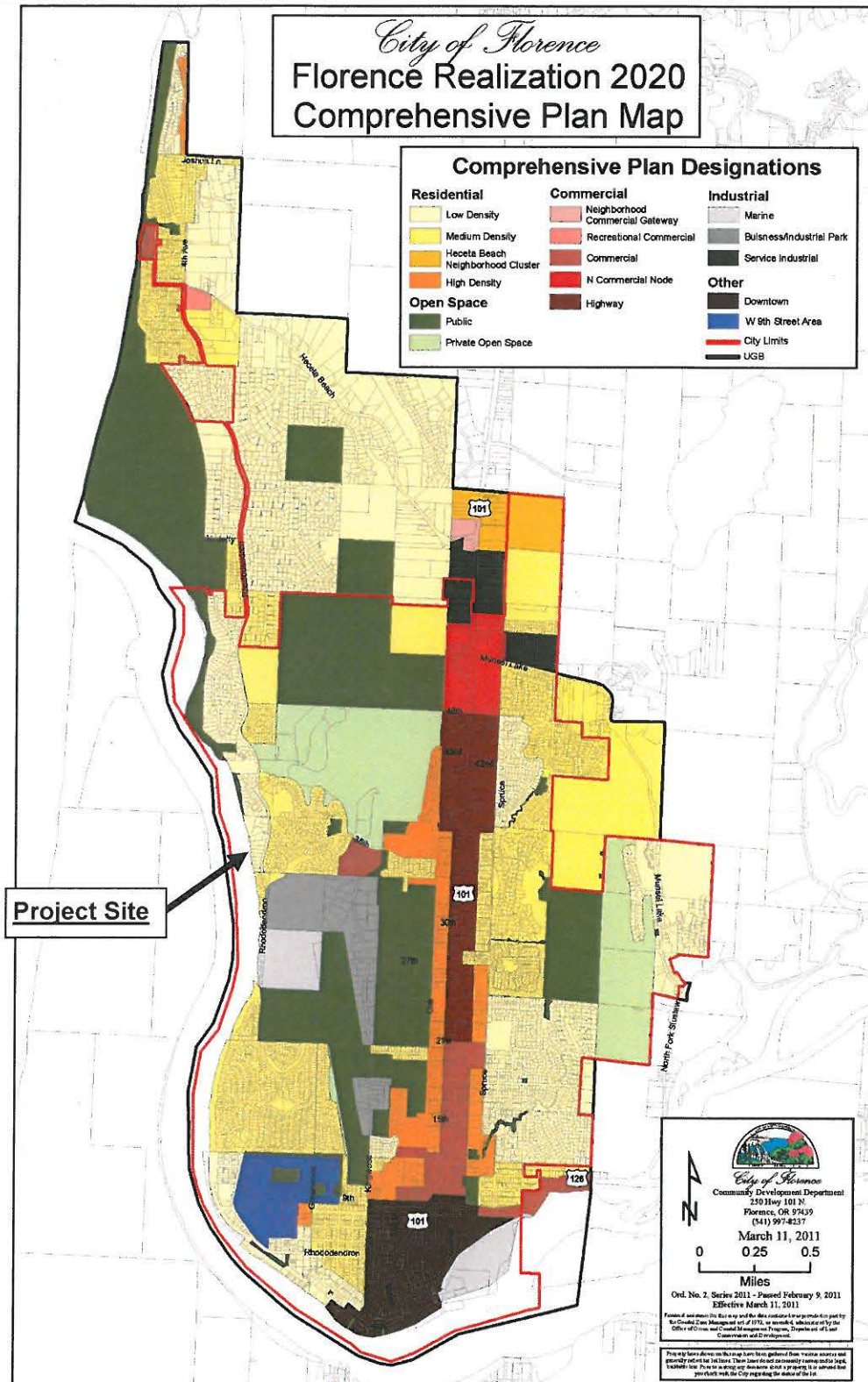
FLORENCE
18122222

NORTH

Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 Sheet: 7 of 11

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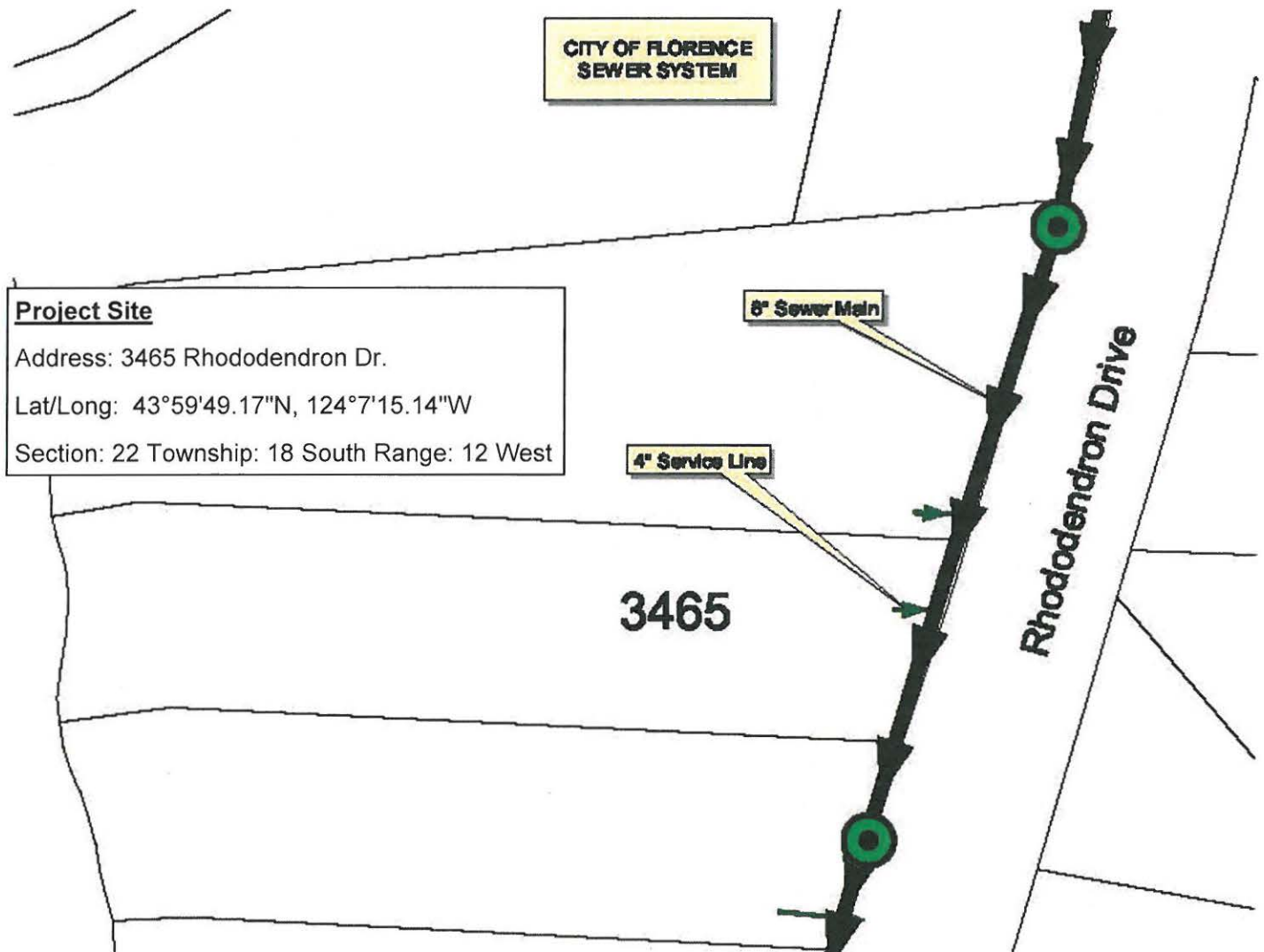
Map 7. Comprehensive Plan



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 **Sheet:** 8 of 11

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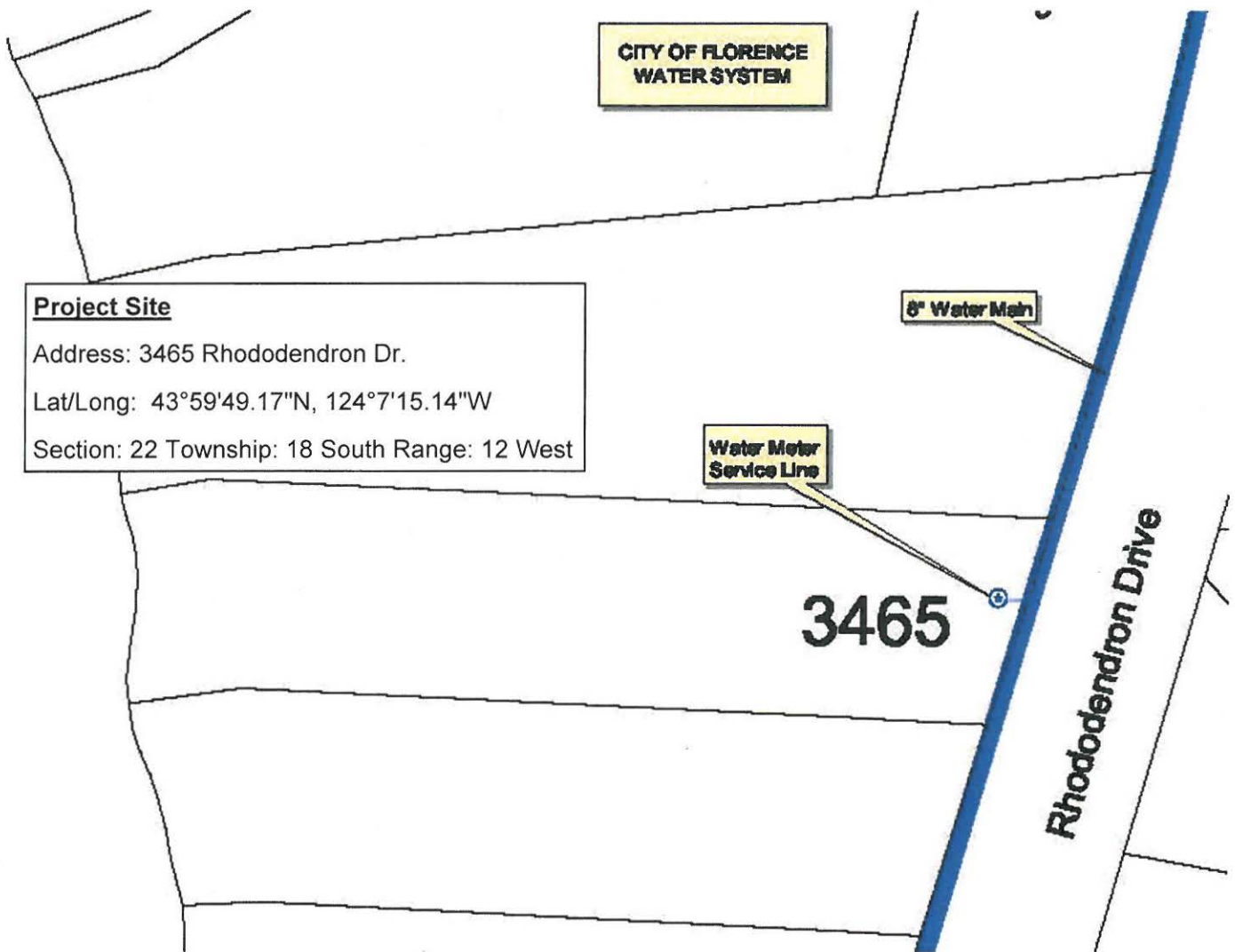
Map 8. Sewer Service Map



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 Sheet: 9 of 11

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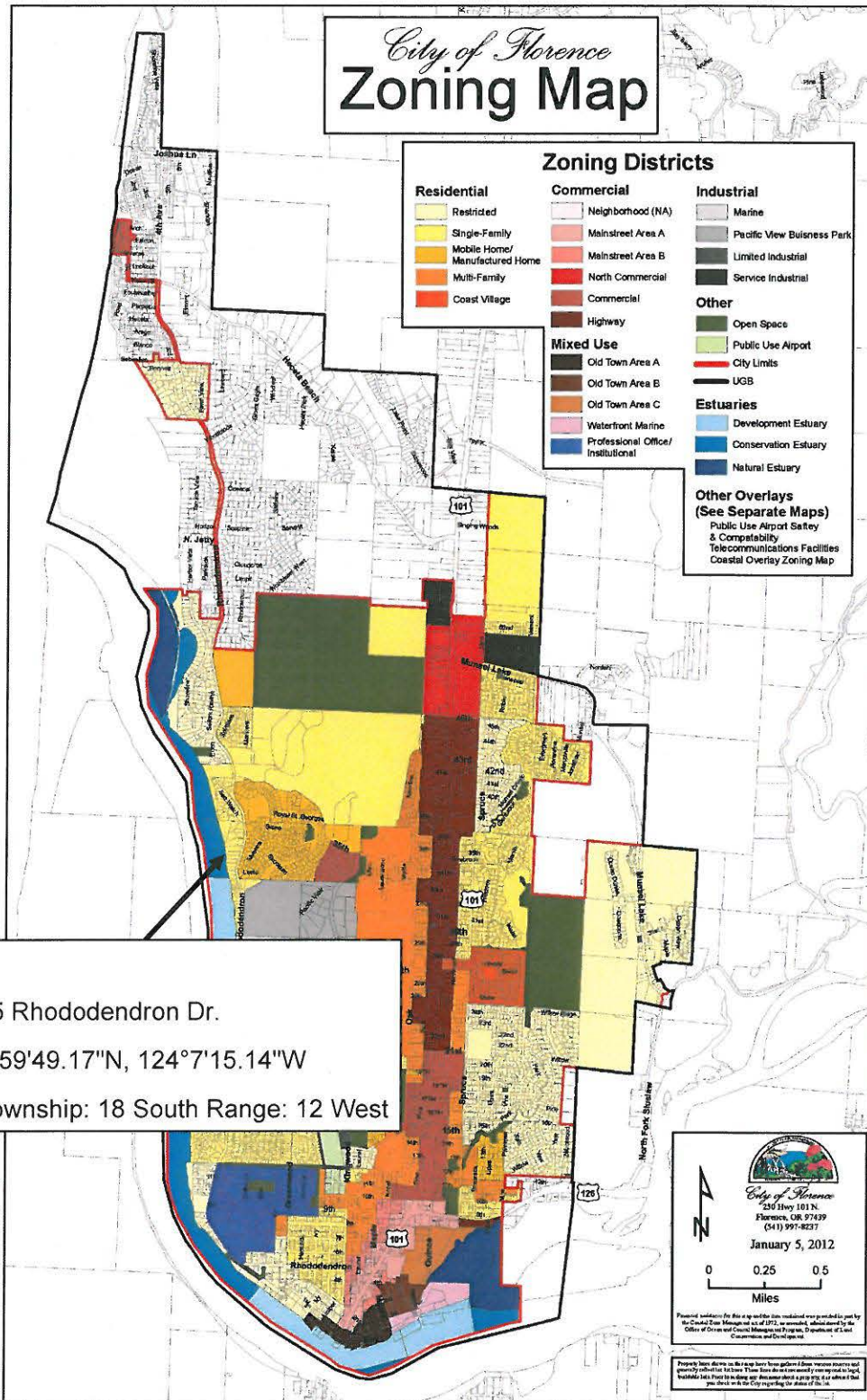
Map 9. Water Service Map



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 Sheet: 10 of 11

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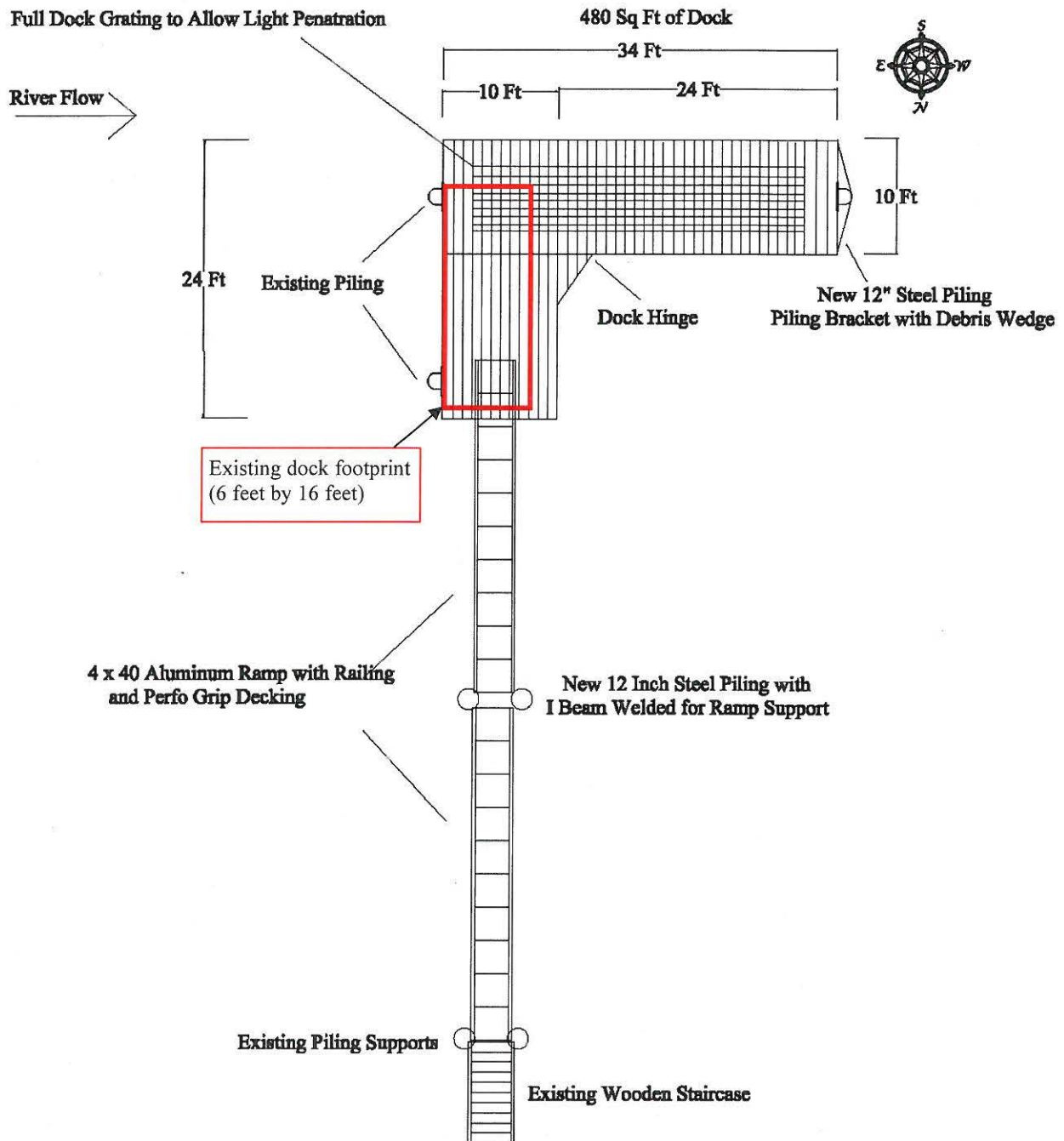
Map 10. City of Florence Zoning



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 09/03/2013 **Sheet:** 11 of 11

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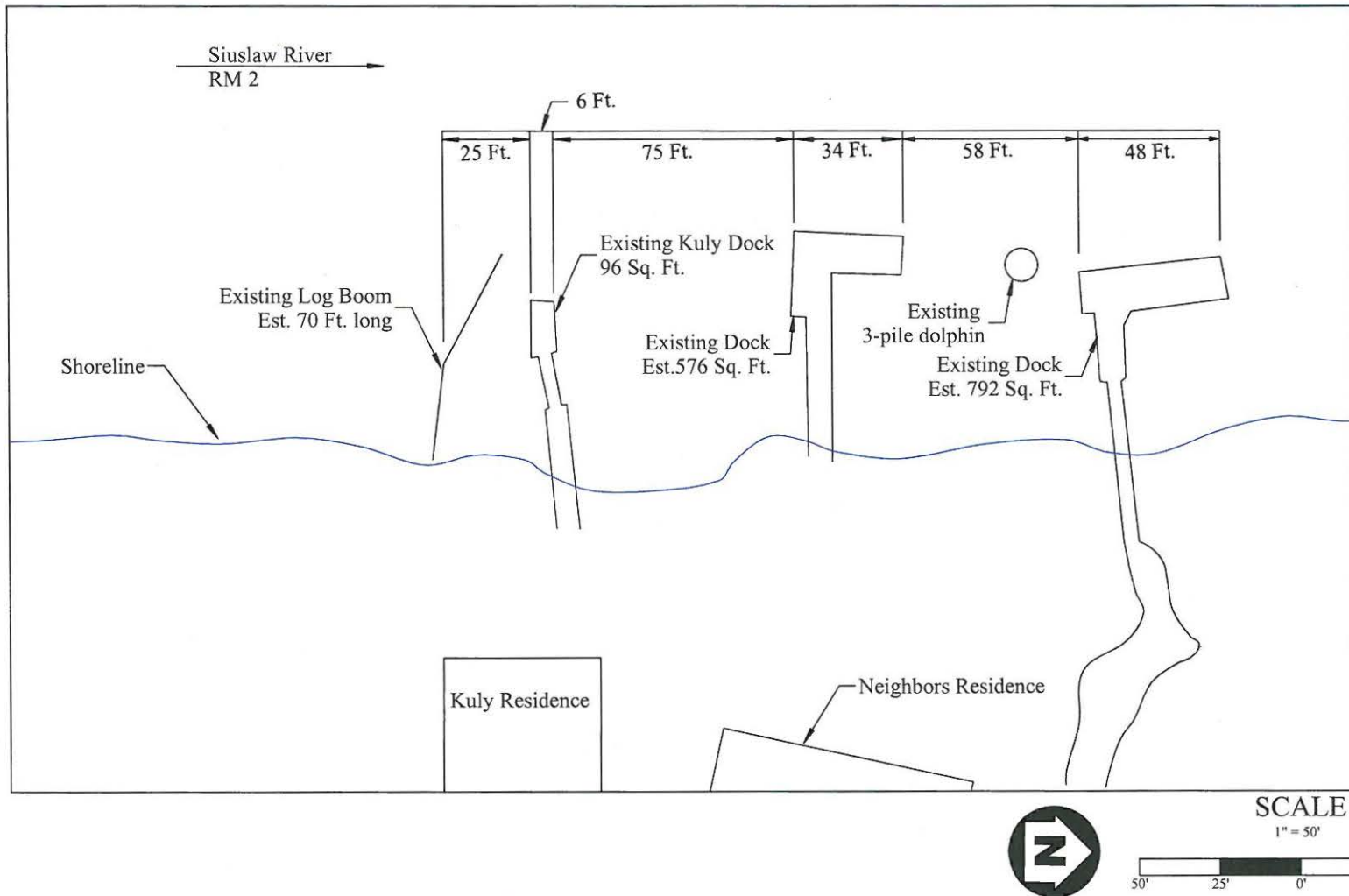
Figure 1. Existing Dock Footprint vs. Proposed Dock



Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
In: Siuslaw River (RM) 2
Near: Florence County: Lane State: OR
Date: 08/13/2013 Sheet: 1 of 2

Northern Resource Consulting, Inc.
ENVIRONMENTAL SERVICES
1339 Commerce Ave., Suite 309B
Longview, Washington 98632
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Figure 2. Neighboring Waterfront Structures



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Applicant: Steve Kuly
Adjacent Property Owners:
Proposed Project: Residential Dock Improvements
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NOT TO SCALE
Typical

Notes:

Sheet
2
Of
2

SLOPES IV PROGRAMMATIC – IN-WATER OVER-WATER STRUCTURES ACTION NOTIFICATION FORM

Submit this completed action notification form with the following information to NMFS at slopes.nwr@noaa.gov. The SLOPES IV Programmatic e-mail box is to be used for **Incoming Only**.

NMFS Review and Approval. All actions must be individually reviewed and approved by NMFS as consistent with this opinion before that action is authorized. NMFS will notify the Corps within 30 calendar days if the action is approved or disqualified. Attach engineering designs and the results of a site assessment for contaminants to identify the type, quantity, and extent of any potential contamination.

Attach a copy of the erosion and pollution control plan, if required.

DATE OF REQUEST:

NMFS Tracking #: 2011/05585

Statutory Authority: ESA ONLY EFH ONLY **ESA & EFH INTEGRATED**

Lead Action Agency: **U.S. Army Corps of Engineers (Portland District)**

Action Agency Contact: **Benny Dean, Project Manager, Regulatory Branch**

Individual Corps Permit
#:

Applicant: **Steve Kuly**

Individual DSL Permit #: _____

Action Title: **Dock Replacement**

6th Field HUC & Name: **171002060804 Lower Siuslaw River**

Latitude & Longitude **43°59'49.45"North and 124° 7'14.63"West**
(including degrees,
minutes, and seconds)

Proposed Project: **Start Date: November 1, 2013**

End Date: February 15, 2014

Action Description:

This existing dock is in need of repair and update. The current wooden and aluminum ramps will be replaced with 2 4'x40' aluminum ramps. The wooden stairway will be repaired. The ramp is currently supported by four 12" wooden piling, these wooden piling are in need of replacement. As the cross-section shows, 2 of these piling are below the ordinary high water mark in tidal water, and 2 are above the ordinary high water mark. A fifth and new piling is proposed and will be driven to compliment the two steel piling already in place and help secure the new dock, this piling would be below the OHWM in tidal water. All new piling are to be 12" steel piling with anti-perch caps. The wooden piling will be pulled, and the new piling will be driven using a vibro/impact hammer with sound dampening block.

The current dock will be removed and transported to the local landfill. A new 480sqft wooden dock will be constructed to replace the current dock. This wood dock will be floated using poly-encapsulated floats. The dock will be grated to allow light penetration. The dock will be secured to three 12" steel piling, 2 already in place, and 1 new as outlined above. All construction will be performed from floating barge. New dock, new materials and removed dock will be transported from local launch to construction local over water. No materials or construction equipment will be employed from land to ensure minimal impact on established bank vegetation.

Type of Action:

Identify the type of action proposed.

In-water Over-water Structure

Access Maintenance

Piling Installation or Removal

- *What is the number of impact hammer strikes per pile?* Vibro/Impact hammer
- *What is the number of hours/minutes required to drive one pile and all piles?* 2 hours, 10 hours
- *What is the number of hours per day pile driving will occur?* 6 hours
- *What is the depth of water and type of substrate the piles will be driven in?* 2-5 ft.
- *If an impact hammer is used, will it be the entire pile or the last few hits per pile?*
- *What is the diameter of the piles?* 12-inch
- *Will pile-driving be continuous?* No
- *Will be pile be driven straight or battered?* Straight
- *Will a template be used?* No
- *Pile type (H, round, etc)?* Round
- *When is pile-driving proposed?* In water work period
- *What life-stages are known to occur within the action area.* Juvenile and Adult
- *If provided, what is the source of hydroacoustic assumptions?*
- *Installation plan/ schematics included?* 2013/2014 installation
- *Pile spacing?* 4 to 34 feet

NMFS Species/Critical Habitat Present in Action Area:

Identify the species found in the action area:

Species:

- ☐ Lower Columbia River Chinook
- ☐ Upper Willamette River spring-run Chinook
- ☐ Upper Columbia spring-run Chinook
- ☐ Snake River spring/summer run Chinook
- ☐ Snake River fall-run Chinook
- ☐ Columbia River chum
- ☐ Lower Columbia River coho
- ☒ Oregon Coast coho salmon
- ☐ Southern Oregon/Northern California coasts coho
- ☐ Snake River sockeye
- ☐ Lower Columbia River steelhead
- ☐ Upper Willamette Steelhead
- ☐ Middle Columbia River Steelhead
- ☐ Upper Columbia River Steelhead
- ☐ Snake River Basin Steelhead
- ☐ Southern DPS Green Sturgeon
- ☐ Eulachon
- ☐ Steller sea lion

EFH

- ☒ Salmon
- ☐ Coastal Pelagics
- ☐ Groundfish

Aquatic Vegetation

Is the project in a saltwater influenced area (estuary)?
Has an aquatic vegetation survey been completed?

Yes		No
Yes		No

If yes, include the results of the survey

If no, explain below why a survey was not conducted

Terms and Conditions:

Check the Terms and Conditions from the biological opinion that will be included as condition on the permit issued for this proposed action. Please attach the appropriate plan(s) for this proposed action.

Administrative

- ☐ Site access
- ☐ Salvage notice
- ☒ Action completion report
- ☐ Site restoration/mitigation report

Construction

- ☐ Pollution/erosion control
- ☐ Stormwater management
- ☐ Site restoration
- ☐ Compensatory activity
- ☐ Preconstruction activity
- ☐ Site preparation
- ☒ Heavy Equipment
- ☒ In-water work period
- ☐ Work area isolation
- ☐ Capture and release
- ☒ Piling installation
- ☒ Impact hammer usage
- ☐ Pile driving near Sellar sea lions
- ☒ Piling removal
- ☒ Broken or intractable piling
- ☐ Treated wood
- ☐ Treated wood removal

Action Type**In-water Over-water Structure**

- ☐ Boat Ramps
- ☐ Educational signs
- ☒ Flotation Material
- ☐ New or replacement floats
- ☐ Piscivorous Birds
- ☐ Relocation of existing structures
- ☐ Repair/replacement of covered moorage/boat houses

Access Management

- ☐ Maintenance dredging

Minor Discharge

- ☐ Minor discharge

Proposed Design Criteria

17. Heavy equipment. Heavy equipment will be selected and operated as necessary to minimize adverse effects on the environment (e.g., minimally-sized, low pressure tires, minimal hard turn paths for tracked vehicles, temporary mats or plates within wet areas or sensitive soils); and all vehicles and other heavy equipment will be used as follows:

- a. Stored, fueled and maintained in a vehicle staging area placed 150 feet or more from any waterbody, or in an isolated hard zone such as a paved parking lot.
- b. Inspected daily for fluid leaks before leaving the vehicle staging area for operation within 50 feet of any waterbody.
- c. Steam-cleaned before operation below ordinary high water, and as often as necessary during operation to remain free of all external oil, grease, mud, seeds, organisms and other visible contaminants.
- d. Generators, cranes and any other stationary equipment operated within 150 feet of any waterbody will be maintained and protected as necessary to prevent leaks and spills from entering the water.

18. In-water work period. All work within the active channel will be completed in accordance with the Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife resources (ODFW 2000, or the most recent version), except as follows:

- a. All in-water work in the Willamette River mainstem between Willamette Falls and the confluence with the Columbia River must be completed between July 1 and October 31.
- b. All in-water work in the Columbia River mainstem below Bonneville Dam, except pile driving, must be completed between November 1 and December 31.
- c. Pile driving in the Columbia River mainstem below Bonneville Dam must be completed between October 1 and November 31.
- d. Hydraulic and topographic measurements and encased geotechnical drilling may be completed at any time, if a fish biologist determines that no adult fish are congregating for spawning and no redds are occupied by eggs or pre-emergent alevins within 300 feet of the work site.

21. Piling installation. Pilings may be concrete, steel round pile 24 inches in diameter or smaller, steel H-pile designated as HP24 or smaller, or wood that has not been treated with preservatives or pesticides. Any proposal to use wood pilings treated with preservatives or pesticides is not covered by this consultation and will require individual consultation.

- a. When practical, use a vibratory hammer for piling installation. For pile driving in the Columbia River in the month of October, only a vibratory hammer may be used.

- b. Jetting may be used for piling installation in areas with coarse, uncontaminated sediments.

22. Pile driving with an impact hammer. When using an impact hammer to drive or proof steel piles, one of the following sound attenuation methods must be used:

- a. Completely isolate the pile from flowing water by dewatering the area around the pile.
- b. If water velocity is 1.6 feet per second or less, surround the piling being driven by a confined or unconfined bubble curtain (see NMFS and USFWS 2006, Wursig et al. 2000, and Longmuir and Lively 2001) that will distribute small air bubbles around 100% of the piling perimeter for the full depth of the water column.
- c. If water velocity is greater than 1.6 feet per second, surround the piling being driven by a confined bubble curtain (e.g., a bubble ring surrounded by a fabric or non-metallic sleeve) that will distribute air bubbles around 100% of the piling perimeter for the full depth of the water column.

24. Pile removal. Use the following steps to minimize creosote release, sediment disturbance and sediment resuspension:

- a. Install a floating surface boom to capture floating surface debris.
- b. Keep all equipment (e.g., bucket, steel cable, vibratory hammer) out of the water, grip piles above the waterline, and complete all work during low water and low current conditions.
- c. Dislodge the piling with a vibratory hammer, when possible; never intentionally break a pile by twisting or bending.
- d. Slowly lift the pile from the sediment and through the water column.
- e. Place the pile in a containment basin on a barge deck, pier, or shoreline without attempting to clean or remove any adhering sediment – a containment basin for the removed piles and any adhering sediment may be constructed of durable plastic sheeting with sidewalls supported by hay bales or another support structure to contain all sediment and return flow which may otherwise be directed back to the waterway.
- f. Fill the holes left by each piling with clean, native sediments immediately upon removal.
- g. Dispose of all removed piles, floating surface debris, any sediment spilled on work surfaces, and all containment supplies at a permitted upland disposal site.

25. Broken or intractable piling. When a pile breaks or is intractable during removal, continue removal as follows:

- a. Make every attempt short of excavation to remove each piling, if a pile in uncontaminated sediment is intractable, breaks above the surface, or breaks below the surface, cut the pile or stump off at least 3 feet below the surface of the sediment.
- b. If dredging is likely where broken piles are buried, use a global positioning system (GPS) device to note the location of all broken piles for future use in site debris characterization.