

## Project Proposal – Siuslaw Estuary Trail, Phase 1

The Siuslaw Estuary Trail was developed collaboratively, with input from community members and the Siuslaw Estuary Partnership, a multi-year US Environmental Protection Agency grant funded project. From November 2010 through January 2013, the 'Siuslaw Estuary Trail Vision: Preferred Location and Design' report was prepared by project staff, with input and guidance from the Siuslaw Estuary Trail Technical Team and the Siuslaw Estuary Partnership Interdisciplinary Team. Participants of the technical team included the City of Florence; Port of Siuslaw; Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; Oregon Department of Fish and Wildlife; Oregon Department of Land Conservation and Development; Oregon Department of State Lands; ODOT; Siuslaw Watershed Council; US Army Corps of Engineers; and US Bureau of Land Management.

Our community stakeholders included representation from the Audubon Society; local birders; Central Oregon Coast Board of Realtors; Florence Area Chamber of Commerce; steelheader group; Florence Area Hospitality Association; Oregon Shores Conservation Coalition; Salmon Trout Enhancement Program; Surfrider Foundation; Volkswalkers; Siuslaw Soil and Water Conservation District, Lane County; and Heceta Water PUD.

Over the intervening years since the original trail concept, City staff have further refined the trail and eliminated high dollar components, such as the suspended walkway over the wetlands. The latest concept provides a trailhead and parking lot on the south side of Hwy 126 at Spruce Street (where Spruce Street would be extended to the south across the roadway). The trail would utilize the existing sidewalk along Hwy 126 to Redwood Street and then a new sidewalk would be constructed to the current terminus of Redwood. A compacted gravel multi-use (pedestrian and bicycle) path would then lead trail users along the upland area of the estuary on the City owned property meandering to Quince Street. Interpretive signage, awesome views of Munsel Creek and the Siuslaw River Estuary would be the focal point of the project.

We envision that an informational kiosk would be placed in the parking lot and that trail head signage would be installed at the south end of Redwood Street (where the sidewalk transitions to the estuary trail) and at the Quince Street connection point. Additional interpretive signage would be strategically placed along the Siuslaw Estuary Trail at three locations. A bench for users of the trail would be located in the area of the interpretive sign(s). The City will work with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians to develop informative interpretive signage for the Siuslaw Estuary Trail.

Dog waste disposal stations, with doggy bag dispenser, would be placed at the Quince Street trail head, Redwood Street trail head and in the parking lot. General trash receptacle would be placed in the parking lot.

Although the trail and parking lot, like all of our parks, would be signed with operation hours of dawn to dusk, we propose to install two solar and wind powered hybrid lights in the parking lot to provide illumination of the parking lot. The hybrid lights allow for active management of the

lights themselves. Meaning that we can control the amount of illumination and optimize performance of the lights with lighting profiles and motion detection. This allows the lighting to automatically adjust based on time of day, day of week, and whether or not motion has been sensed. This allows for full customization of the lighting profiles at any time, which maximizes performance of the system to account for weather or seasonal changes in cloud cover, shortened sunlight hours and more.

Although not included in Phase 1 of the project, a future phase will include a footbridge over Munsel Creek to connect the multi-use path to the trailhead parking area at the south side of Hwy 126 at Spruce Street.

**Timeline.** We anticipate that the project would be advertised for competitive bid in March 2024, with Flornce City Council award on April 15, 2024. A notice to proceed to the contractor to begin construction is anticipated to be issued May 13, 2024. Construction is anticipated to take 90 days for substantial completion with final completion occurring within 30 days of substantial completion (total of 120 days from notice to proceed).

## Policy Analysis

### Summary of Findings:

1. The estuary trail is consistent with the Florence Comprehensive Plan and the Florence City Code because it is either a permitted use in each of the applicable Plan designation areas and zoning districts or would be allowed with Administrative Review with findings of consistency with specific criteria.

### Florence Realization 2020 Comprehensive Plan

The *Florence Realization 2020 Comprehensive Plan* (Comprehensive Plan) guides long range planning for the City. Findings of consistency with the Comprehensive Plan are required in order for the estuary trail to be implemented as presented in the Preferred Vision. This section cites relevant policies and Plan designations, followed by findings of consistency.

Trail Sections (from south to north, including possible future trail segments) traverse Comprehensive Plan designations: Marine, Downtown, and Public in Chapter 2 of the Comprehensive Plan. In addition, the trail would traverse the Natural Estuary and Conservation Estuary Management Units designated in Chapter 16 of the Comprehensive Plan; and the Mixed Development, Dredged Materials Disposal/Mitigation Site, and Natural Resource Conservation Shoreland Management Units in Chapter 17 (see Map 17-1: Estuary and Coastal Shoreland Management Units in the Florence UGB).

### Chapter 2: Land Use

**“Public:** “The Public designation is intended to identify existing public and semi-public uses including the airport, public parks, schools, community colleges, cemeteries and other public buildings as well as major utility facilities.”

**Finding:** The trail is a public use and thus the estuary trail within this Plan designation is consistent with the Public designation.

**“Downtown:** Designation is guided by the Downtown Implementation Plan which has the following priority, “Establish an estuary trail connecting the Boardwalk to the Munsel Creek Bikepath.”

**Finding:** An estuary trail in the Downtown designation is consistent with the Comprehensive Plan because it establishes an estuary trail connecting the Boardwalk to the Munsel Creek Bikepath.

**“Marine:** These lands are intended for development of water dependent industrial, recreation and commercial uses and associated water related uses.”

### Comprehensive Plan Introduction, Definitions

**“WATER-RELATED.** Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.”

**Finding:** The estuary trail is consistent with the Marine designation in this location because it fits the definition of a Water-related Use, in that it provides visual and physical access to the estuary and all

adjacent waterway uses, including kayaking, and, if it is not located adjacent to water, it would result in a public loss of quality in the goods or services offered.

This finding is also supported by the finding of consistency with Comprehensive Plan policy for Management Unit 4, below, that identifies one-half of the Port property designated Waterfront-Marine is to be preserved for water dependent uses; and the campground is the portion of the site that is already developed for non-water dependent uses (camping). Therefore, it is not possible to locate a water dependent use in this shoreland area.

### **Chapter 16: Estuarine Resources**

“15. The general priorities (from highest to lowest) for management and use of the estuarine resources, as implemented through the Management Unit designation and permissible use requirements shall be:

- a. Uses which maintain the integrity of the estuarine ecosystem
- b. Water-dependent uses requiring estuarine location, as consistent with the Shallow Draft Development Estuary classification
- c. Water-related uses which do not degrade or reduce the natural estuarine resources and values
- d. Non-dependent, nonrelated uses which do not alter, reduce, or degrade estuarine resources and values.”

**Finding:** The estuary trail is consistent with this policy because it will maintain the integrity of the estuarine ecosystem.

“16. In **Natural Estuary Management Units**, the following additional policies shall apply:

- a. Permitted uses shall be limited to the following, provided that no such use shall involve dredge or fill:
  - 2) Research and educational observations”

**Finding:** The estuary trail is consistent with this policy because it is a research and educational observation facility and, as such, is a permitted use in the Natural Estuary Management Unit.

“17. In **Conservation Estuary Management Units**, the following additional policies shall apply:

- a. Permitted uses shall be limited to the following, provided that no such use shall involve dredge or fill:
  1. All uses permitted in the Natural Estuary MU Policy a.”

**Finding:** The estuary trail is consistent with this policy because it is a research and educational observation facility and, as such, is a permitted use in the Natural Estuary Management Unit as per policy a; and all uses permitted in the Natural Estuary MU Policy are permitted in the Conservation Estuary Management Units.

### **Chapter 17: Coastal Shorelands: Ocean, Estuary, and Lake Shorelands**

“5. The management of Coastal Shorelands shall be compatible with the characteristics of the adjacent coastal waters. The policies in this Chapter are in addition to the policies in Chapter 16, Siuslaw River Estuary; and where conflicts exist, the policies and provisions of Chapter 16 shall prevail.”

**Finding:** The estuary trail is consistent with this policy because the use will comply with the policies in Chapter 16, and, where conflicts exist, the policies and provisions in Chapter 16 shall prevail.

“12. General priorities for the overall use of Coastal Shorelands (from highest to lowest) shall be to:

1. Promote uses which maintain the integrity of estuaries and coastal waters;
2. Provide for water-dependent uses;
3. Provide for water-related uses;
4. Provide for nondependent, nonrelated uses which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;
5. Provide for development, including nondependent nonrelated uses, in urban areas compatible with existing or committed uses;
6. Permit nondependent, nonrelated uses which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.”

**Finding:** The estuary trail is consistent with this policy because the use will maintain the integrity of estuaries and coastal waters.

“15. In Mixed Development Management Units, the following additional policies shall apply:

- a. For Shorelands in the Mixed Development MU within the Florence UGB, implementation requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply outside city limits, and the Mixed Development Overlay Zoning District in Florence City Code Title 10 Chapter 19 shall apply inside city limits.
- b. Uses shall respect the priorities set out in the General Priority statement (Policy 12).
- c. Native riparian vegetation should be maintained or encouraged to provide erosion control, bank stabilization, aesthetic quality and to maintain water quality and temperature, except where maintenance of vegetation would preclude use of the site for a water-dependent use and removal will not be detrimental to erosion control, bank stabilization or water quality.
- d. Land divisions outside city limits within the Florence UGB shall not be allowed prior to annexation to the city. Land divisions within city limits in this MU shall be approved only with affirmative findings that the land division and subsequent use are consistent with shoreland values as identified by on site evaluation.”

**Finding:** The estuary trail is consistent with this policy because, as demonstrated in the findings below, the use is consistent with Mixed Development Overlay Zoning District in Florence City Code Title 10 Chapter 19; the use respects the priorities set out in the General Priority statement (Policy 12, above); the use will maintain all native riparian vegetation; and no land divisions are proposed.

**“Management Unit 4.2 (Port of Siuslaw):** This area extends from Nopal Street to dredge spoils site #19. The northern boundary follows First Street to Harbor Street, where it intersects with the Port of Siuslaw property. This area will probably continue to be the primary commercial and industrial marine-related center on the bay.

At least fifty percent of Unit 4.2 must be protected for water-dependent and water related uses. 5 Access, terrain, proximity to deep water, compatibility with historical and existing uses, and ownership patterns would support this reasoning. About one-third of this unit is already developed into water-dependent/related uses. It is vital to the future economy of the Florence area that an adequate portion of this area be reserved for the widest possible range of high intensity recreation, commercial and industrial water dependent uses.

5 CRMP amendment by Lane County in 1996.

Due to the proximity of the Management Unit to the North Fork shoals, the main turning basin and the lack of suitable dredged sites near those shoals, a dredged material disposal “stockpile” site has been designated (DMDP site #19) in this unit. The location of that site is critical. Improvements such as those to the jetty which would allow more year-round, all weather bar crossing is expected to increase the demand for marine related uses and the needs of the fishing industry. This area has the highest potential for receiving stations and processing facilities, marinas/moorages, boat repair and servicing, cold storage, canneries, or possible aquaculture release/recapture facility at Munsel Creek. Uses for this area must be flexible and in keeping with the Port of Siuslaw goals. One recorded tribal archaeological site is located in this management unit and another tribal archaeological site is located in the nearby Natural Estuary Management Unit G. There is a high probability that there are additional archaeological resources in this Management Unit.”

**Findings:** The estuary trail walkway is consistent with the Management Unit 4.2 designation because the shoreland adjacent to the estuary in the location of the trail is committed to non-water-dependent, non-water-related uses (a campground) and this area is therefore not included in the 50% of Management Unit 4.2 that is designated a Water Dependent Site.

“13. In Shoreland Dredged Material Disposal Site Management Units, the following additional policies shall apply:

- a. For Shorelands in the Shoreland Dredged Material Disposal Site MU within the Florence UGB, implementation requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply outside city limits, and the Dredged Material/Mitigation Overlay Zoning District in Florence City Code Title 10 Chapter 19 shall apply inside city limits.
- b. In order to protect the navigability of the river, sites (with the exception of designated “stockpile” sites) included in the adopted *Siuslaw River Dredged Material Disposal Plan* shall be retained for that use until such time as the filling capacity has been reached or the site is removed from the adopted, revised *Siuslaw River Dredged Material Disposal Plan*. However, sites that have reached their filling capacity which can be reconfigured to accept more material shall continue to be retained. A determination that fill capacity has been reached shall be based upon the recommendation of the Army Corps of Engineers and other interested agencies and persons.

The re-classification of any applicable dredge material disposal site protection overlay zoning shall require positive findings by the City or the County (if outside city limits) that one or both of these conditions are met, following public hearing. Following removal of the overlay zone, the permitted uses on the site will be the same as those allowed in the underlying zoning district. Rezoning of the

underlying zoning district may be considered at the same time as removal of the overlay zoning, in accordance with this Plan and the Florence City Code and Lane County Code.

c. Sites designated for “stockpile” use, where the spoils will be hauled away and the site used again for spoils, shall be retained and designated as a disposal site until such time as an appropriate alternative for disposal is designated and the “stockpile” site is deleted in the adopted, revised *Siuslaw River Dredged Material Disposal Plan*.

d. Temporary use of dredged material disposal sites shall be permitted, providing no permanent facilities or structures are constructed or no manmade alterations take place which would prevent the use of the land as a disposal site, and the use is consistent with other policies contained in this Plan and the Florence City Code and Lane County Code.

e. Dredge spoil disposal shall provide adequate run-off protection and maintenance of a riparian strip along the water.”

**Findings:** The preferred trail location and design are consistent with this policy because the trail meets the requirements of the Dredged Material/Mitigation Overlay Zoning District in Florence City Code Title 10 Chapter 19; the DMDP Site #19 is a “stockpile site,” where the spoils will be hauled away and the site used again for spoils, and it will be retained and designated as a disposal site until such time as an appropriate alternative for disposal is designated and the “stockpile” site is deleted in the adopted, revised *Siuslaw River Dredged Material Disposal Plan*; any use of DMDP site #19 for the trail will be a temporary use involving no construction of permanent facilities or structures and no man-made alterations will take place which would prevent the use of the land as a disposal site, and the use is consistent with other policies contained in this Plan and the Florence City Code; and the trail will not result in impacts to run-off protection or maintenance of a riparian strip along the water.

“14. In Natural Resources Conservation Management Units, the following additional policies shall apply:

a. For Shorelands in the Natural Resources Conservation MU within the Florence UGB, implementation requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply outside city limits, and the Natural Resource Conservation Overlay Zoning District in Florence City Code Title 10 Chapter 19 shall apply inside city limits.

b. Uses shall fall within and respect Priorities 1-5 of the Priority Statement (Policy 12).

c. Filling in Coastal Lakes adjacent to this MU shall only be allowed in very rare instances and after a complete study of potential physical or biological impacts on the Lake. The cumulative effects of all such fills shall be considered. Positive benefits must outweigh negative effects.

d. Land divisions outside city limits within the Florence UGB shall not be allowed prior to annexation to the city. Land divisions within city limits in this MU shall be approved only with affirmative findings that the land division and subsequent use are consistent with shoreland values as identified by on site evaluation.

e. For any approved development on coastal lake or estuarine shoreland in this MU, a minimum 50’ horizontal buffer zone is required from the estuary or lake. (Setback requirements on ocean shorelands in this MU will vary depending on the rate of erosion in the area and will be determined by site review, with a 100-foot minimum.)

f. Only developments and activities which do not pose a threat to life or property from land instability, erosion or other natural hazard shall be allowed.”

**Findings:** The estuary trail is consistent with this policy because the use complies with the Natural Resource Conservation Overlay Zoning District in Florence City Code Title 10 Chapter 19; the trail use falls within and respects Priorities 1-5 of the Priority Statement (Policy 12, above); the trail does not involve land divisions or filling in Coastal Lakes; the trail will be constructed within the minimum 50’ horizontal buffer zone required from the estuary in this shoreland management unit designation, and this is allowed because the trail complies with the requirements of the adjacent Natural Estuary designation which allows “research and educational observations” as an allowed use in the estuary and Policy 5 in Chapter 17, above, provides that the provisions and policies of Chapter 16 shall prevail where there are conflicts; and the trail will not pose a threat to life or property from land instability, erosion or other natural hazard.

## **Chapter 8: Parks and Recreation**

### **Policies**

#### **“Open Space**

13. The City shall encourage and support public/private efforts to ensure permanent public access and views of the Siuslaw River and its scenic estuary.

14. The City shall develop an interconnecting trail system, providing a full circular route around the Florence area and incorporating Rhododendron Drive, Munsel Lake, beaches, dunes, Old Town, Port and Siuslaw Estuary. The system shall also connect the various parks, residential areas, business, public places through the following actions:

e. Develop a system of trails and pathways to provide a safe network that links neighborhoods, parks, natural open space, schools, employment centers, shopping locations, recreation facilities and other key community destinations.

19. The City, in conjunction with the Port of Siuslaw, Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Siuslaw Watershed Council, shall plan and provide estuary and aquatic trails and put in and take out points along the Siuslaw River.”

#### **“Recommendations**

7. The City should pursue establishment of an estuary trail connecting the Boardwalk with the Munsel Creek bike/pedestrian trail. ODOT has indicated a preference for an in-culvert pedestrian crossing under Highway 126.

8. In order to provide the public with increased and unrestricted access to the Siuslaw River and its estuary, the City should develop its public street rights-of-way which terminate at the River as river access parks, which may include parking to meet Old Town parking needs as appropriate.”

**Finding:** The trail is consistent with and supports these policies and recommendations.

## **Chapter 9: Economic Development**

### **Recommendations**



“4. The City should continue to develop and improve recreational facilities and sites for tourists to draw more visitors to the town. Such activities may include Siuslaw Estuary Water Trail kayak launches, viewing platforms for bird watchers, trail signage, frisbee golf, in-city open space areas (such as 3 Mile Prairie), and a family recreational development in the Old Town area.”

**Finding:** The trail is consistent with and supports this recommendation.

## **Chapter 12: Transportation (using both 2012 and 2023 TSP Updates)**

### **Appendix 12: 2012 Transportation System Plan (TSP)**

#### **TSP, Executive Summary Other Highway 126 Improvements, page 8**

##### **“3. Culvert Replacement**

The replacement of the Munsel Creek culvert should be designed to meet fish passage standards and to allow the Estuary Trail to pass under Highway 126 to connect to the Munsel Creek Bike Path.”

#### **2012 TSP Section 3: Modal Plans**

##### **Detailed Project Descriptions from the 2012 TSP, Page 34**

##### **“3. Culvert Replacement**

At a future date, capacity improvements, together with the requirements for improved fish passage in Munsel Creek, will dictate the replacement of the Munsel Creek Culvert. The reconstruction may or may not include a culvert structure. However, the crossing structure must be designed to include the passage of the Siuslaw Estuary Trail under Highway 126 to connect to the Munsel Creek Bike/Ped Path and its planned extension to Munsel Lake.”

#### **Pedestrian Improvements from 2012 TSP, Page 39**

##### **“3. Siuslaw River Estuary Trail**

This trail is proposed as part of the Downtown Implementation Plan, and is also a priority of the Port of Siuslaw. The proposed trail will connect the Port’s Boardwalk to Highway 126, and eventually, when the Munsel Creek culvert is replaced, through a bike path set into the culvert to connect to the Munsel Creek Bike Path. The proposed path will connect future development on the Middle School site in Old Town with the Boardwalk. The trail will feature interpretative signage about estuarine formation, maintenance, wildlife species and habitat, and other pertinent data.”

#### **Table 12-5-F1. Future Transportation System Improvements, page 58**

“Project #: J-2 Siuslaw River Estuary Trail Estimated Cost: \$125,000”

#### **2023 TSP Appendix G – Tech Memo #6, page 17, Table 8**

“**MU2 Estuary Trail.** Install a multi-use path from the Boardwalk in Old Town to south end of Munsel Creek Trail, high priority project.”

**Appendix G, Figure 7** – drawing showing the Estuary Trail and other Multi-use Paths in the 2023 TSP

**Finding:** The trail is consistent with and supports these policies.

**Florence City Code: Zoning**

The trail sections traverse several zoning categories from south to north: Waterfront Marine, Old Town Area C, Natural Estuary, Mainstreet Area A, and Multi-Family.

**Findings:** The trail complies with all of the following use criteria. Additional findings will be needed once the final location and design are proposed in order to demonstrate that impacts to estuarine resources, if any, are minimized or mitigated.

**Waterfront/Marine District:** permits outright those uses listed in the Marine District which includes under “water related uses”, “public water related outdoor recreation area”.

**Old Town District, Area C:** permits conditionally “recreational facilities (must be outdoor, water-related, and non-motorized such as canoeing or kayaking).

**Mainstreet District, Area A:** permits conditionally “public buildings and facilities not similar to those listed as permitted uses.”

**Multi-Family Residential District:** permits conditionally “Public parks, playgrounds, community centers and recreational facilities.”

**Natural Estuary:** The Natural Estuary Management Unit permits outright, 2. Research and educational observations and 7. Bridge crossings. Bridge crossing support structures are permitted with administrative review.

**Development Estuary:** The Natural Estuary Management Unit permits outright, 2. Research and educational observations and 7. Bridge crossings. Bridge crossing support structures are permitted with administrative review.

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

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

F. Conditional Uses: Outside of Areas Managed for Water Dependent Activities, the following uses and activities are allowed in the estuary with a Conditional Use Permit, subject to the applicable criteria. A Conditional Use Permit may be approved according to the procedures set forth in Chapter 4 of this Title upon affirmative findings that: the use or activity is consistent with the purposes of the DE District; it must not be detrimental to natural characteristics or values in the adjacent estuary; and it must comply with the specific criteria below, and the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):

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

**Finding:** The trail is consistent with these criteria because it is a water-related use on an upland site that is consistent with the purposes of the DE District; the use will not be detrimental to natural characteristics or values in the adjacent estuary; the criteria in I, G, or H do not apply to this use because the use will not alter the estuary, involve dredging or fill, and it is not a pier or a dock; and the trail is a Water-related use in an upland area; and shoreland uses and buffer zones (in the Mixed Development Overlay District) shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.”

### **Zoning Overlays**

The trail segments traverse several zoning overlays from south to north: Natural Resource Conservation, Mixed Development, and Dredged Material/Mitigation. These overlays apply in addition to the zoning districts identified above.

**Findings:** The trail complies with all of the following use criteria. Additional findings will be needed once the final location and design are proposed in order to demonstrate that impacts to estuarine resources, if any, are minimized or mitigated.

#### **FCC: 10-19-10: NATURAL RESOURCE CONSERVATION OVERLAY DISTRICT:**

“A. Purpose: The Natural Resource Conservation Overlay District (/NRC) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Coastal Resources Management Plan as possessing a combination of unique physical social or biological characteristics requiring protection from intensive human disturbance. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /NRC District is applied to prominent aesthetic features such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.”

**Finding:** The trail is consistent with this zoning overlay district because the trail is for “research and education observation,” an allowed use in the Natural Estuary District; the provisions of the adjacent Estuary District allowed uses and criteria apply; the requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code; and shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

#### **FCC 10-19-7: MIXED DEVELOPMENT OVERLAY DISTRICT:**

“A. Purpose: The Mixed Development Overlay District (/MD) is applied to those coastal shorelands which are recognized in the City Comprehensive Plan and supportive technical data as being all or partially committed to commercial, industrial and public uses. The proximity of these lands to the dredged channel of the Siuslaw River dictates that opportunities shall be provided to preserve and expand

existing water-dependent and water-related commercial, industrial or public uses. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.”

The adjacent estuary district is Development Estuary and the trail, a Water-related Use, is a Conditional Use in that district:

**FCC 10-19-8: DREDGE MATERIAL/MITIGATION SITE OVERLAY DISTRICT:**

**Finding:** The same criteria and findings presented for this Comprehensive Plan designation apply to this zoning district overlay. Site #19 is a “stockpile site” and thus can only be altered for a temporary use, as per the criteria.

**Riparian Protection and Vegetation Clearing Areas:**

Riparian habitat protection is addressed under Florence City Code Title 10 Chapter 7 Special Development Standards. The criteria are specifically designated for building setbacks along Munsel Creek and River Cutbanks. No buildings are proposed and therefore do not apply to this project.

Vegetation removal is addressed under Florence City Code Title 4 Chapter 6 Vegetation Preservation. A clearing permit would be needed for the project where any vegetation is proposed to be removed.

**FCC 10-7-3: SPECIAL DEVELOPMENT STANDARDS**

Riparian Setback:

B. Munsel Creek and Other Drainageways: A fifty-foot (50') setback shall be required for all buildings from the creek channel, except by Planning Commission approval where it can be shown by accepted engineering practices or treatment that no erosion hazards, slide potential, or possible flood damage are likely to occur, and that riparian vegetation will be protected.

**Finding:** The trail is consistent with this criterion because it is not a building and thus can locate within the setback area of Munsel Creek.