
AGENDA ITEM SUMMARY / STAFF REPORT**ITEM NO:** 7**FLORENCE PLANNING COMMISSION****Meeting Date:** June 10, 2025

ITEM TITLE:Text Amendment to FCC 10-19-4-F.10 (Development Estuary District) – PC 25 01 TA 01

OVERVIEW:

Application: Chris Leturno, on behalf of A & D Bay Street LLC, has submitted a legislative text amendment application requesting a change to Florence City Code Title 10, Chapter 19, Section 10-19-4-F.10. The amendment would allow continued use of a nonconforming structure with a nonconforming use in the Development Estuary (DE) District until the structure is converted to a conforming use.

The proposal applies specifically to the structure located at 1150 Bay Street, historically known as The Lotus (Tax Lot 8000). This structure is currently split-zoned, with approximately 80% in Old Town A and 20% in DE. The applicant seeks to ensure that the nonconforming portion in DE can remain in use under its existing (non-water-dependent) function until a conforming use is established.

Context: History of Code Changes to FCC 10-19-4-F.10**2009** – Ordinance No. 10, Series 2009:

The City adopted code updates to bring the DE District into compliance with Statewide Planning Goal 16 and related estuary management rules. The language of FCC 10-19-4-F.10 was changed to allow limited continuation of nonconforming uses and structures, and the phrase “and it is not possible to locate the use on an upland site” was removed, consistent with state guidance.

2013 – Upland Clause Removal Affirmed:

The City confirmed this direction by again removing the upland site clause to reduce regulatory barriers for legacy structures and non-water-dependent uses in the DE zone.

2016 – Code Housekeeping Reinserted Upland Clause in Error:

A citywide cleanup of the code under CC 15 05 TA 02 mistakenly reinserted the upland siting requirement into FCC 10-19-4-F.10, reimposing a burden on applicants that contradicted state policy and prior City direction.

2025 – Current Proposal (PC 25 01 TA 01):

The applicant and staff now seek to correct that error and clarify the conditions under which nonconforming uses and structures may continue within the DE District.

Comprehensive Plan Amendment Summary:

As part of this proposal, staff recommends amending Florence Comprehensive Plan Policy 18 (Chapter 16 – Siuslaw River Estuarine Resources) by removing the phrase “it is not possible to locate the use on an upland site”

from subsections C10, D3, and E2. This language has proven overly restrictive and impractical for existing structures in the Development Estuary (DE) District, especially where upland alternatives are not feasible. The proposed amendment aligns the Comprehensive Plan with the current zoning code, improves clarity, and maintains compliance with Goal 16 by retaining environmental protection and impact review standards.

Process and Review: This text/plan amendment follows the Type IV legislative procedure outlined in Florence City Code (FCC) 10-1-3 and 10-1-1-6-4. The process includes:

- A public hearing before the Planning Commission
- A recommendation forwarded to the City Council
- A final decision by City Council following a second public hearing

The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, state statutes, and administrative rules believed to apply may be considered in the decision-making process. Application materials, public testimony, agency referrals, and research that speak to the criteria may also be considered. The findings, attached, include a review of the application against the applicable criteria and incorporate significant staff research, public testimony and agency referral comments or concerns where applicable.

Testimony/Agency Referrals: No testimony or referral comments received at the time of writing this Summary.

ISSUES/DECISION POINTS:

Should the Planning Commission recommend:

- Option 1: The applicant’s broader version of the amendment, allowing flexible reuse and expansion of nonconforming structures, or
- Option 2: The staff’s revised version, which allows continued use but sets limits to preserve the intent of the DE zone and estuary protections?

Option 1: Applicant’s Proposal

- Allows nonconforming structures and uses to continue indefinitely until changed to a conforming use.
- Permits these structures to be reused for:
 - Any use that previously existed, or
 - Any use allowed in the current or *adjacent* zoning district.
- Allows replacement of structures at any time, for any reason.

More flexible for property owners, but less control over scale, intensity, or future use.

Option 2: Staff’s Proposal

- Also allows nonconforming uses and structures to continue, but with key limits:
 - Use must stay within the original use or type.
 - Replacement only allowed after fire or natural disaster.

-
- Any replacement must be equal to or smaller than the original in size and intensity.
 - Prevents changes that could increase impacts to estuary resources.

More restrictive, but it aligns with state rules and protects sensitive estuary areas.

ALTERNATIVES:

1. Recommend City Council approve Resolution PC 25 01 TA 01 with the staff-revised version of the proposed amendment to FCC 10-19-4-F.10, and associated changes to the comprehensive plan, allowing continued use of nonconforming structures and uses with added limits to size, intensity, and replacement conditions; or
2. Recommend City Council approve Resolution PC 25 01 TA 01 with the applicant's proposed amendment to FCC 10-19-4-F.10, allowing continued use of nonconforming structures and uses with expanded flexibility; or
3. Recommend City Council approve Resolution PC 25 01 TA 01 with modifications proposed by the Planning Commission to either the applicant or staff version; or
4. Recommend City Council deny Resolution PC 25 01 TA 01; or
5. Continue the public hearing to a date certain; or
6. Close the public hearing and leave the written record open for 7 days.

RECOMMENDATION:

Alternative 1. Recommend City Council approve Resolution PC 25 01 TA 01 with the staff-revised version of the proposed amendment to FCC 10-19-4-F.10, and associated changes to the comprehensive plan, allowing continued use of nonconforming structures and uses with added limits to size, intensity, and replacement conditions

AIS PREPARED BY:

Jacob Foutz, Planning Manager

ATTACHMENTS:

Resolution PC 25 01 TA 01
Exhibit A: Findings of Fact
Exhibit B: Applicants' Submittal
Exhibit C: Previous Ordinances(2004,2009,2013,2016)
Exhibit D: Applicant Proposed Changes
Exhibit E: Staff Proposed Changes
Exhibit F: Comprehensive Plan Edits(Chapter 16)

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 25 04 TA 01

A RECOMMENDATION TO THE FLORENCE CITY COUNCIL TO: 1) AMEND ZONING TEXT IN FCC TITLE 10 CHAPTER 19, SECTION 4-F.10, AND 2) AMEND POLICIES 18.C.10, 18.D.3, AND 18.E.2 IN CHAPTER 16 OF THE FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN TO ALLOW CONTINUED USE OF NONCONFORMING STRUCTURES WITH NONCONFORMING USES IN THE DEVELOPMENT ESTUARY (DE) DISTRICT UNTIL THE STRUCTURE IS CONVERTED TO A CONFORMING USE.

WHEREAS, application was made by Chris Leturno, Representative for himself and A&D Bay Street, for a zone text change approval as required by FCC 10-1-1-6-3, FCC 10-1-3; and

WHEREAS, the Planning Commission met in a duly-advertised public hearing on June 10, 2025, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission of the City of Florence, per FCC 10-1-1-6-3 and FCC 10-1-3, finds, based on the Findings of Fact, application, staff recommendation, evidence, and testimony presented to them, that the application does not meet 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 zoning text change in FCC Title 10, Chapter 19, Section 4-F.10, and a Comprehensive Plan text change in Policies 18.c.10, 18.d.3, and 18.e.2 in Chapter 16 of the Florence Realization 2020 comprehensive plan meet the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan and recommend the following changes to the Florence City Council:

Red: Addition to code

~~Strikethrough:~~ Removal of Code

TITLE 10
CHAPTER 19

ESTUARY, SHORELANDS, AND BEACHES AND DUNES

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

...

- 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 (Type III review), subject to the applicable criteria. A Conditional Use Permit may be approved according to the procedures set forth in Chapters 1 and 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.~~

Notwithstanding the non-conforming use provisions in the Florence City Code, non-water-dependent and non-water-related uses and structures that existed as of July 7, 2009, ~~will: (1) retain their non-conforming use status for five years from the date the use is abandoned or the structure is destroyed due to fire or natural disaster whereby the existing structure for the same use in the same footprint and same intensity may be replaced; and (2) retain their non-conforming status where the nonconforming use or structure is abandoned until such time the use or structure is converted to a conforming use, and the existing structure for the same use may be replaced; the provisions of non-conforming uses in the Florence City Code notwithstanding~~ **may continue under the following conditions:**

a. Nonconforming uses and structures may continue until such time as the use is converted to a conforming use or the structure is replaced, whichever occurs first.

b. Replacement of a nonconforming structure is only permitted following an unprescribed event, such as a fire or natural disaster, that renders the structure a dangerous building as defined in FCC 4-5-2.

c. Any replacement or continuation of a nonconforming structure shall not exceed the following characteristics of the original structure. The replacement or continued structure must be equal to or less than:

1. The original building footprint;
2. The original total square feet; and
3. The original intensity of use, as determined by the parking requirements associated with the use in Florence City Code Title 10, Chapter 3.

d. No replacement or continuation of a nonconforming structure or use may result in any increase in height, bulk, or intensity beyond what existed as of July 7, 2009.

e. Replacement of a nonconforming structure must comply with all applicable federal, state, and local permitting requirements.

....

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN
CHAPTER 16
SIUSLAW RIVER ESTUARINE RESOURCES

....

Policies

....

18. In **Development Estuary Management Units**, the following additional policies shall apply:

....

c. Permitted uses or activities in Development Estuary areas outside of Areas Managed for Water-dependent Activities, shall be limited to the following, provided the proposed use must not be detrimental to natural characteristics or values in the adjacent estuary, and subject to the specific criteria below, and the applicable requirements in f and either d or e (if dredging or fill is required, the requirements in d apply; if the use will otherwise alter the estuary, the requirements in e apply):

....

10) Water-related uses; non-water-dependent uses, non-water-related uses not requiring dredge or fill; and activities identified in Natural and Conservation MUs may also be allowed where consistent

with the purposes of this MU and adjacent shorelands designated Water Dependent (or designated for waterfront redevelopment). In designating areas for these uses, local governments shall consider the potential for using upland sites ~~and it is not possible to locate the use on an upland site~~ to reduce or limit the commitment of the estuarine surface area for surface uses.

....

d. Dredging projects, other than maintenance dredging as permitted in b, above, and any project which requires fill in the estuary, shall be allowed only if the project or activity complies with all of the following criteria:

- 1) The dredging or fill is expressly permitted in sections b or c, above;
- 2) A substantial public benefit is demonstrated and the activity does not unreasonably interfere with public trust rights;
- ~~3) No alternative upland locations are feasible;~~
- ~~3)4)~~ Adverse impacts 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 allowed in b and c, above are minimized;
- ~~4)5)~~ 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, water and erosion control structures, such as riprap, jetties, bulkheads, seawalls, and similar protective structures; and fill, whether located in the waterways or on shorelands above the ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
- ~~5)6)~~ Dredge or fill activities, as otherwise approved, 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.
- ~~6)7)~~ All federal and state permit requirements, including mitigation requirements, are met as a condition of approval.

e. Activities or uses which could potentially alter the estuary that do not involve dredge or fill shall only be allowed in Development Estuary MUs when the use or activity complies with all of the following criteria:

- 1) the activity or use is expressly permitted in sections b or c, above;
- ~~2) no alternative upland locations are feasible;~~
- ~~2)3)~~ 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 b and c above;
- ~~3)4)~~ 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, water and erosion control structures, such as riprap, jetties, bulkheads, seawalls, and similar protective structures, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD on the 10th day of June, 2025

Debbie Ubnoske, Chairperson
Florence Planning Commission

DATE

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

Public Hearing Dates: June 10, 2025, Planning Commission, and July 21st, 2025, City Council.
Application: PC 25 04 TA 01

I. GENERAL INFORMATION AND FACTS

Proposal: The applicant, Chris Leturno, on behalf of A&D Bay Street LLC, requests a text amendment to Florence City Code (FCC) 10-19-4-F.10 and associated comprehensive plan language update to allow nonconforming structures in the Development Estuary (DE) District to continue nonconforming uses indefinitely, until such time the structure is converted to a conforming use. The proposal seeks to extend the ability for nonconforming structures in the DE District to operate nonconforming uses beyond the scope of the current code provisions.

Applicant: Chris Leturno for A & D Bay Street LLC.

II. NATURE OF REQUEST/NOTICING/APPLICABLE REVIEW CRITERIA

Proposal: The applicant requests a text amendment to FCC Title 10, Chapter 19, Development Estuary (DE) District, Section 10-19-4-F.10, to allow nonconforming structures in the DE District to continue their nonconforming uses indefinitely, until such time as the structure is converted to a conforming use. The request applies to a limited number of properties, including those owned by the applicant, and is intended to permit existing nonconforming uses, such as those that have historically operated on the applicant's property, to continue uninterrupted. The request does not propose additional limitations on the size, height, or intensity of the nonconforming structures or uses.

The subject property, located at the western edge of the Florence Old Town District and the Siuslaw River waterfront, is not managed for Water-Dependent Uses. The existing structure, built in approximately 1989 by Tony Chu, was originally developed as a restaurant and marina, which were interpreted by the City Council to be water-related and water-dependent uses, respectively. The marina operated as part of the Baybridge Steak and Seafood, which later became the Lotus Seafood Palace. The Lotus closed in the fall of 2003, and the building has remained vacant ever since. The pilings for the former marina remain in place, along with remnants of the pier, gang plank, and a fuel box on the adjacent lot.

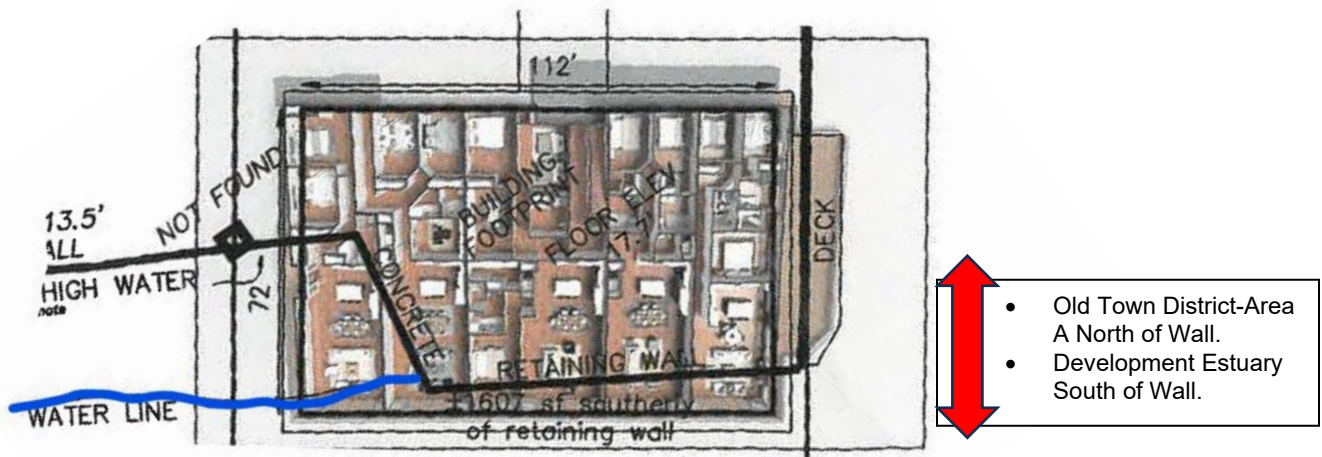
Following the 2009 Coastal Goals update and the adoption of Ordinance No. 10, Series 2009, the definition of water-dependent use was revised, and restaurants were explicitly excluded as an example of non-water-related uses in the Development Estuary (DE) District. As a result, the existing restaurant structure became a legal nonconforming use. Since that time, the building has sat vacant for over 20 years, during which it has been subject to vandalism, deterioration, and general disrepair. It has become a visible eyesore in the area and represents a significant underutilized resource on the Florence waterfront.

Adding to the complexity, the building is split-zoned, with approximately 1,607 square feet of the southern portion of the building zoned Development Estuary (DE) District, and the remaining 6,457 square feet

zoned Old Town District (OT). This results in an awkward situation where 80% of the building is governed by Old Town zoning standards, and the remaining 20% by DE District regulations. See Diagram 2 from the applicant's materials, which is included below as a visual representation.

The applicant's proposal seeks to resolve this issue by amending FCC 10-19-4-F.10 to allow the nonconforming structure in the DE District to continue nonconforming uses, effectively allowing the building to operate as a single, unified structure across both zoning districts. Importantly, the proposal does not seek to remove the DE designation from the southern portion of the building or alter the City's Coastal Resources Inventory. Rather, it is intended to provide a practical solution for a unique situation, enabling the continued use of an existing structure that otherwise has no viable path forward under the current code.

Diagram 2





The applicant's proposed Text Amendment:

The applicant requests broadening the nonconforming use language for structures that were abandoned, which would benefit several properties in this zone and allow these nonconforming uses and structures to evolve organically over time. The applicant proposed the following edits to allow nonconforming structures to continue:

FCC 10-19-4-F.10:

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.

Notwithstanding the non-conforming use provisions in the Florence City Code, [n]on water-dependent and non-water-related uses and structures that existed as of July 7, 2009 will:

(1) retain their non-conforming status for five years from the date ~~the use is abandoned or the structure is destroyed~~; (2) retain their non-conforming status where the nonconforming use or structure is abandoned until such time the use or structure is converted to a conforming use. Nonconforming structures may be used for any use previously existing, or any use currently allowed in the underlying zoning district or an adjacent zoning district; and (3) the existing

structure for the same use may be replaced.; the provisions of non-conforming uses in the Florence City Code notwithstanding.

Staff additions:

Staff, under the direction of the Community Development Director, proposes revisions to the applicant's amendment that ensure consistency with Statewide Planning Goals, the Florence Realization 2020 Comprehensive Plan, and Ordinance No. 10, Series 2009. Specifically, staff's revisions will:

- Limit any replacement of nonconforming structures to the same or lesser footprint, cubic volume, and intensity.
- Clarify that replacement of nonconforming structures is only allowed following an unprescribed event (e.g., fire or natural disaster), not as a mechanism for planned redevelopment.
- Remove outdated language from FCC 10-19-4-F.10 that is inconsistent with the 2009 Coastal Goals update.

These staff-initiated changes will still allow the applicant to use their property as proposed, by continuing or starting nonconforming uses in nonconforming structures, while ensuring the amendment complies with applicable policies and protects estuarine resources from intensification of impacts.

Staff's Proposed Text Amendment:

FCC 10-19-4-F.10:

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.

Notwithstanding the non-conforming use provisions in the Florence City Code, non-water-dependent and non-water-related uses and structures that existed as of July 7, 2009, will: (1) retain their non-conforming use status for five years from the date the use is abandoned or the structure is destroyed due to fire or natural disaster whereby the existing structure for the same use in the same footprint and same intensity may be replaced; and (2) retain their non-conforming status where the nonconforming use or structure is abandoned until such time the use or structure is converted to a conforming use. and the existing structure for the same use may be replaced; the provisions of non-conforming uses in the Florence City Code notwithstanding may continue under the following conditions:

a. Nonconforming uses and structures may continue until such time as the use is converted to a conforming use or the structure is replaced, whichever occurs first.

b. Replacement of a nonconforming structure is only permitted following an unprescribed event, such as a fire or natural disaster, that renders the structure a dangerous building as defined in FCC 4-5-2.

c. Any replacement or continuation of a nonconforming structure shall not exceed the following characteristics of the original structure. The replacement or continued structure must be equal to or less than:

- 1. The original building footprint;*

2. *The original total square feet; and*
3. *The original intensity of use, as determined by the parking requirements associated with the use in Florence City Code Title 10, Chapter 3.*

d. No replacement or continuation of a nonconforming structure or use may result in any increase in height, bulk, or intensity beyond what existed as of July 7, 2009.

e. Replacement of a nonconforming structure must comply with all applicable federal, state, and local permitting requirements.

Staff's Proposed Comprehensive Plan Amendment:

Florence Comprehensive Plan Policy 18 (Chapter 16 – Siuslaw River Estuarine Resources) includes criteria for approving certain estuarine uses and activities within Development Estuary Management Units. Subsections C10, D3, and E2 currently require applicants to demonstrate that "it is not possible to locate the use on an upland site" before the use may be permitted in the estuary.

This language, though aligned with the precautionary intent of Goal 16, has proven overly restrictive and impractical when applied to existing development scenarios—particularly in areas with pre-established infrastructure, split-zoned properties, and no feasible upland alternatives. The clause creates an unintended barrier for reasonable, low-impact use of legally existing structures or sites that do not involve fill, expansion, or new estuarine disturbance.

The City proposes removing this clause from Policy 18 subsections C10, D3, and E2 to allow for more context-sensitive application of estuarine policies, while still retaining robust review standards related to environmental protection, public benefit, and mitigation. The Florence Zoning Code (FCC 10-19) already includes sufficient criteria to evaluate impacts and alternatives without requiring absolute proof that upland siting is impossible.

Removing this phrase will:

- Bring the Comprehensive Plan into alignment with the City's adopted zoning regulations;
- Improve consistency and clarity in the review of nonconforming uses and estuarine activities;
- Avoid inadvertently precluding site reuse where upland relocation is infeasible but environmental harm is minimal or non-existent;
- Preserve compliance with Statewide Planning Goal 16 by retaining impact minimization, public benefit, and mitigation requirements.

This change reflects a shift in policy from strict locational exclusion to a flexible, impact-based review, enhancing regulatory clarity and usability while upholding resource protection objectives.

Comprehensive plan code amendment:

Policy 18.c.10

10) Water-related uses; non-water-dependent uses, non-water-related uses not requiring dredge or fill; and activities identified in Natural and Conservation MUs may also be allowed where consistent with the purposes of this MU and adjacent shorelands designated Water Dependent (or designated for waterfront redevelopment). In designating areas for these uses, local governments shall consider the potential for using upland sites ~~and it is not possible to locate the use on an upland site~~ to reduce or limit the commitment of the estuarine surface area for surface uses.

Policy 18.d.3

~~3) No alternative upland locations are feasible;~~

Policy 18.e.2

~~2) No alternative upland locations are feasible;~~

History of Changes to FCC 10-19-4-F and Context for Current Proposal:

The current proposal to amend FCC 10-19-4-F.10 must be understood within the broader context of previous code changes that have shaped how nonconforming structures and uses in the Development Estuary (DE) District are regulated.

In 2009, the City of Florence adopted Ordinance No. 10, Series 2009 as part of the City's periodic review process to bring the Florence City Code into compliance with state estuary management policies, specifically Statewide Planning Goal 16 and Oregon Administrative Rules (OAR) 660-037. In 2013 the City removed of the phrase “and it is not possible to locate the use on an upland site” from FCC 10-19-4-F.10. This language had previously imposed a barrier for property owners seeking to continue nonconforming uses in the DE District, requiring them to demonstrate that there was no viable alternative on upland sites before continuing their use. The 2013 amendment was intentional and aligned Florence’s code with state law, specifically Goal 16, by removing this upland site requirement, recognizing that in some cases, limited nonconforming uses within the DE District could continue without harming estuarine resources.

However, in 2016, during a broad housekeeping update to the zoning and subdivision codes known as CC 15 05 TA 02, the City inadvertently reinserted the previously deleted upland site language back into the code. The 2016 amendments were intended to streamline processes, clarify procedures, and make minor adjustments across Titles 10 and 11 of the Florence City Code. The re-insertion of the upland site requirement was not an intentional policy choice, but rather an error introduced during the complex process of updating and reorganizing the code. This mistake reimposed a requirement that conflicted with both the City’s 2009 policy direction and state law, once again restricting the ability of property owners in the DE District to continue nonconforming uses in existing structures.

The current application, PC 25 04 TA 01, staff seeks to correct this error by once again removing the upland site requirement from FCC 10-19-4-F.10. This amendment will restore the code language to what was adopted in 2009, align the City’s regulations with state estuary management policies, and provide a clear, lawful pathway for property owners in the DE District to continue using existing nonconforming structures until such time as they are converted to conforming uses.

In short, the applicant’s proposal, as modified by staff, will allow the continued use of existing nonconforming structures within the DE District while ensuring these uses remain limited in size, height, and intensity to avoid further impacts to estuarine resources.

Process and Review: The zoning text amendment is being classified as a Legislative Zoning Code Text Amendment change and an associated Comprehensive Plan Text Amendment change for consistency, which follows a Type 4 land use procedure requiring two hearings: one at the Planning Commission level and the second at the City Council level. The applicable criteria are listed below.

NOTICES & REFERRALS:

Noticing: This is a Type IV legislative text amendment processed in accordance with FCC 10-1-1-6-4. For Type IV procedures, the following noticing requirements apply:

- A notice of public hearing must be published once in a newspaper of general circulation at least 10 days prior to the hearing.
- Notice must also be provided to the Oregon Department of Land Conservation and Development (DLCD) at least 35 days prior to the first evidentiary hearing, per ORS 197.610.

For this application:

- Notice of the public hearing was published in the May 20, 2025, edition of the Siuslaw News.
- Notice was provided to DLCD on April 17, 2025, 54 days prior to the Planning Commission hearing.
- The Planning Commission hearing is scheduled for June 10, 2025, and the City Council hearing is scheduled for July 21, 2025.

These noticing requirements comply with FCC 10-1-1-6-4 and state law under ORS 197.610.

No public testimony has been received as of the date of this report.

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

APPLICABLE REVIEW CRITERIA:

Florence City Code:

Title 10: Zoning Regulations, Chapters

Chapter 1, Zoning Administration: Sections 10-1-1-6-4, 10-1-1-5, 10-1-3-C

Chapter 19, Estuary, Shorelands, and Beaches and Dunes: Section 4-A, F

Realization 2020 Florence Comprehensive Plan:

Plan Adoption, Amendments, Review and Implementation

Chapter 2, Land Use: Policies 3 & 7

Chapter 16, Siuslaw River Estuarine Resources: Policies 1, 2, 3, 15, and 18

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

Oregon Revised Statutes (ORS): 197.610, 197.615

Oregon Statewide Planning Goals | Oregon Administrative Rules (OAR 660-015, 660-018-0020):

Goal 1: Citizen Involvement; Goal 2: Land Use Planning; Goal 16: Estuarine Resources; Goal 17: Coastal Shorelands

III. ANALYSIS AND FINDINGS OF FACT

The criteria that must be addressed for this request are shown in underlined text, and the responses are shown in standard text. All of the following criteria must be satisfied before this request can be approved.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6-4: TYPE IV PROCEDURE (LEGISLATIVE):

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

Findings: A legislative change in zoning district boundaries, the text of Title 10 or 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission, by request of the City Council to the Planning Commission, or by an application for an amendment by a citizen. This application was initiated by a citizen, A & D Bay Street, LLC (Chris Leturno), seeking a text amendment to FCC 10-19-4-F.10 to allow nonconforming structures in the Development Estuary (DE) District to be used for nonconforming uses until such time as they are converted to conforming uses.

Conclusion: The criterion is satisfied. The application was initiated by a private party in accordance with FCC 10-1-3(A).

- B. Pre-Application Conference: A pre-application conference is required for all Type IV applications initiated by a party other than the City of Florence.

Findings: FCC 10-1-3(B) requires a pre-application conference for all Type IV applications initiated by a party other than the City of Florence. The applicant's materials explicitly confirm that a pre-application conference was held on January 31, 2023.

Conclusion: The criterion is satisfied. The pre-application conference was conducted, meeting the requirements of FCC 10-1-3(B).

- C. Timing of Requests: The City Council may establish a calendar for the purpose of accepting Type IV requests only at designated times. The City Council may initiate its own legislative proposals at any time.

Findings: FCC 10-1-3(C) allows the City Council to establish a calendar for accepting Type IV requests only at designated times, but also allows the City Council to initiate its own legislative proposals at any time. There is no record of the City Council establishing a calendar restricting Type IV requests, and the

application was submitted by a private party (A & D Bay Street, LLC) outside of any specified calendar requirement. Therefore, the application was appropriately submitted and processed as a Type IV application.

Conclusion: The criterion is satisfied. The City Council has not established a specific calendar to limit the timing of Type IV requests; therefore, the application was accepted in compliance with FCC 10-1-3(C).

D. Notice of Hearing:

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications (e.g., re-zonings and comprehensive plan amendments).

Findings: FCC 10-1-3(D)(1) requires a minimum of two public hearings: one before the Planning Commission and one before the City Council for all Type IV applications. For this application, the Planning Commission hearing was scheduled for June 10, 2025, and the City Council hearing is scheduled for July 7, 2025.

Conclusion: The criterion is satisfied. Two public hearings are scheduled, meeting the requirement of FCC 10-1-3(D)(1).

2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner:

- a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and mailed to:
 1. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment.
 2. Any affected government agency.
 3. Any person who requests notice in writing.
 4. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 5. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
- b. At least 10 days before the scheduled Planning Commission hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

- c. The City Planning Official or designee shall:
 - 1. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection.
 - 2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
- d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and zoning code amendments at least 35 days before the first evidentiary hearing.

Findings: FCC 10-1-3(D)(2) outlines the notification requirements for Type IV applications, including individual notices to affected property owners and agencies (2a), publication of hearing notices in a newspaper of general circulation (2b), affidavits of mailing and publication (2c), and notice to the Oregon Department of Land Conservation and Development (DLCD) at least 35 days prior to the first hearing (2d).

For this application, individual property owner notices under ORS 227.186 were not required because no zone change is proposed. Notice was, however, mailed to surrounding property owners on May 20, 2025, as part of the standard public notice process, and affected agencies were also notified. Public notice of the Planning Commission hearing was published in a newspaper of general circulation at least 10 days prior to the hearing, and the City Council hearing notice will be published at least 14 days before the hearing. Staff will prepare affidavits of mailing and publication for the record in compliance with FCC 10-1-3(D)(2c). Notice to the Oregon Department of Land Conservation and Development (DLCD) was provided on April 30, 2025, meeting the 35-day notice requirement prior to the first hearing.

Conclusion: FCC 10-1-3(D)(2) is satisfied. All required notices have been or will be provided in accordance with applicable standards and timelines.

- 3. Content of notices. The mailed and published notices shall include the following information:
 - a. The number and title of the file containing the application, and the address and telephone number of the City Planning Official or designee's office where additional information about the application can be obtained.
 - b. The proposed site location, if any.
 - c. A description of the proposed site and the proposal and the place where all relevant materials and information may be obtained or reviewed.
 - d. The time(s), place(s), and date(s) of the public hearing(s).
 - e. A statement that public oral or written testimony is invited.
 - f. Each mailed notice required by this section shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of Florence Zoning Code requires that if you receive this notice that it shall be promptly forwarded to the purchaser."

4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
 - a. Personal notice is deemed given where the notice is deposited with the United States Postal Service.
 - b. Published notice is deemed given on the date it is published.
 5. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development. The City shall also provide notice to all persons as required by other applicable laws. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- E. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

Findings: FCC 10-1-3(D)(3) requires mailed and published notices to include specific information: the file number and title, contact information for the Planning Official, the proposed site location (if applicable), a description of the site and proposal, the place where relevant materials can be reviewed, the hearing dates, times, and locations, an invitation for public testimony, and the required mortgagee forwarding notice statement. Notices have been prepared in compliance with these requirements. The mailed and published notices for this application include the file number (PC 25 04 TA 01), title of the application (text amendment to FCC 10-19-4-F.10), contact information for the Planning Department, the subject property location at 1150 Bay Street (for context), a description of the proposal, the location of materials for review (Planning Department office and website), the time, place, and date of the public hearings (Planning Commission and City Council), an invitation for public testimony, and the required mortgagee forwarding notice statement.

FCC 10-1-3(D)(4) specifies that failure to receive notice does not invalidate the action if a good faith effort is made: personal notice is deemed given when deposited with the U.S. Postal Service, and published notice is deemed given on the date of publication. Notices have been mailed and published in compliance with these requirements, ensuring a good faith effort.

FCC 10-1-3(D)(5) requires that notice of a Type IV decision be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development (DLCD). The City will mail the decision notice to all required parties following City Council action on the application.

FCC 10-1-3(E) specifies that a Type IV decision, if approved, takes effect as specified in the enacting ordinance. If not approved, the decision becomes final upon mailing of the notice of decision to the applicant. The proposed ordinance includes a standard effective date clause, and notices will be mailed following City Council action.

Conclusion:

The criteria in FCC 10-1-3(D)(3), (D)(4), (D)(5), and (E) are satisfied. Notices have been or will be prepared in compliance with the code, and the City will follow required procedures for notice of decision and effective date.

10-1-1-5: GENERAL PROVISIONS

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

Findings: FCC 10-1-1-5(A) establishes the 120-day rule for final action on Type I, II, and III applications. This application is a Type IV legislative text amendment to the Florence City Code and is therefore not subject to the 120-day rule, as confirmed by ORS 227.178.

FCC 10-1-1-5(B) addresses consolidation of proceedings for multiple application types (Type II and III) filed for the same parcel or project. This application is solely a Type IV legislative text amendment and does not involve any concurrent Type II or III applications for the same parcel. Therefore, consolidation of proceedings does not apply to this application.

Conclusion: FCC 10-1-1-5(A) is satisfied as the 120-day rule does not apply to Type IV legislative text amendments. FCC 10-1-1-5(B) is not applicable as no consolidation of Type II or III applications is required for this legislative text amendment application.

...

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

1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.
2. When proceedings are consolidated:
 - a. The notice shall identify each application to be decided.
 - b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.
 - c. When appropriate, separate findings shall be prepared for each application. Separate decisions shall be made on each application.

Findings: FCC 10-1-1-5(B) establishes requirements for the consolidation of proceedings when an applicant applies for more than one type of land use or development permit for the same parcel or parcels. The code outlines how the decision-making authority is assigned (B.1) and how consolidated proceedings must be processed (B.2). This application is for a Type IV legislative text amendment only and does not

include any additional Type II or III land use or development permit applications for the same parcel. Therefore, the consolidation provisions in FCC 10-1-1-5(B) do not apply.

Conclusion: FCC 10-1-1-5(B) is not applicable to this application as no consolidation of Type II or III applications is required for this legislative text amendment application.

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

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

a. The required forms.

b. The required, non-refundable fee.

c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

2. Completeness.

a. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.

b. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above.

c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

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

Findings: FCC 10-1-1-5(C) outlines the procedures for accepting and reviewing applications for completeness. The City Planning Official or designee must verify that essential items are present at the time of submittal: required forms, the non-refundable fee, and the applicant's signature (with owner authorization if applicable). If any of these are missing, the application is not accepted.

Once accepted, the City Planning Official or designee must review the application for completeness and notify the applicant within 30 days if information is missing. The applicant then has 180 days to submit missing information. Applications are deemed complete when all required information is received, and review is based on the standards and criteria in effect at the time the application was first accepted. The City also coordinates review by submitting the application to the City Engineer, road authority, and other relevant agencies for comment.

For this application, the required forms, fee, and signature were submitted, and the application was accepted as complete on April 17, 2025. The City provided coordinated review, and there is no record of missing information or procedural errors. The standards and criteria applicable at the time of acceptance have been applied to the review.

Conclusion: FCC 10-1-1-5(C) has been satisfied. The application was reviewed for acceptance and completeness in accordance with code requirements, and procedural criteria have been met.

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

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

Findings: For this application, the City Planning Official and staff have prepared the required application forms and accepted the application after confirming it met submission requirements. A staff report has been prepared summarizing the application, identifying applicable criteria, and providing findings of conformance or non-conformance, with a recommendation for decision. The staff report was or will be made available at least seven days prior to the Planning Commission hearing. The case-file materials have been made available with the hearing notice.

Conclusion: FCC 10-1-1-5(D) has been satisfied. The City Planning Official and staff have fulfilled all procedural duties for this Type IV text amendment application.

10-1-3: AMENDMENTS AND CHANGES:

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

C. Type IV (Legislative) Changes:

1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.
2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).

Findings: FCC 10-1-3(A) explains that the purpose of zoning code amendments is to accommodate periodic review and revision of the City's Comprehensive Plan and zoning regulations, ensuring consistency with community goals and needs. This application proposes a text amendment to FCC 10-19-4-F.10 to allow nonconforming structures in the Development Estuary (DE) District to continue nonconforming uses until they convert to conforming uses. The proposed amendment is consistent with the stated purpose of FCC 10-1-3(A) by addressing specific circumstances within the DE District to provide flexibility and improve clarity in the code.

FCC 10-1-3(C)(1) allows legislative amendments to be initiated by the Planning Commission, City Council, or by an application from a citizen. This application was initiated by a private citizen, A & D Bay Street LLC, meeting this requirement.

FCC 10-1-3(C)(2) requires notice and public hearings to comply with applicable state law and the City's Comprehensive Plan. For this application, notice has been provided in accordance with Oregon Revised Statutes (ORS 227.186), ORS 197.610 (DLCD notice), and the Comprehensive Plan's policies for public involvement. Hearings have been scheduled before both the Planning Commission and the City Council as required for a Type IV process.

Conclusion: FCC 10-1-3(A) and (C) are satisfied. The proposed amendment aligns with the purpose of periodic updates to the zoning code, the application was properly initiated by a citizen, and notice and public hearing requirements have been or will be met in accordance with state law and the Comprehensive Plan.

FCC TITLE 10, CHAPTER 19: 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.

Findings: The proposed text amendment to FCC 10-19-4-F.10 will allow nonconforming structures in the DE District to continue nonconforming uses until they are converted to conforming uses. This amendment addresses a longstanding issue affecting several properties along the Siuslaw River—including the subject property, 1150 Bay Street—where structures built prior to changes in the DE zone standards became nonconforming through no fault of the property owner.

The structure on TL 8000 (commonly referred to as “The Lotus”) is a split-zoned building, with approximately 20% of its floor area within the DE District. The DE-zoned portion includes a structurally integrated section of a commercial restaurant facility built before 2009, which has since lost its conforming status due to regulatory changes removing restaurants from permitted uses in the DE District. The DE-zoned portion does not support navigational functions, deep-water access, or any estuarine biological resources, and has been determined to be of minimal estuarine significance.

The proposed amendment does not alter the boundaries of the DE District, nor does it expand the range of permitted uses. Instead, it preserves the ability to utilize existing DE-zoned structures for their historical, nonconforming purposes until voluntarily converted to a conforming use. This approach supports the DE District’s overall integrity by avoiding unnecessary demolition or abandonment of structurally sound buildings that do not impact estuarine function. Furthermore, it allows the City to preserve architectural and economic assets like The Lotus without compromising navigational or environmental priorities.

Conclusion: This criterion is Satisfied. The proposed text amendment aligns with the purpose and extent of the DE District by maintaining the DE zone’s primary function while allowing limited, historically rooted, and non-disruptive reuse of existing nonconforming structures. The amendment introduces flexibility for non-water-dependent buildings located in DE areas of minimal biological significance—conditions anticipated by the DE district’s purpose statement. The amendment does not introduce new uses, dredge/fill activity, or conflict with navigational priorities, and thereby upholds the balance between estuarine protection and adaptive land use.

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 (Type III review), subject to the applicable criteria. A Conditional Use Permit may be approved according to the procedures set forth in Chapters 1 and 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 Subsections 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):
 1. Dredge or fill.
 2. Flood and erosion control structures such as jetties, bulkheads, seawalls, and groin construction may be installed and maintained, and riprap may be installed and expanded, provided all such uses are needed to protect existing uses or uses specifically allowed in this Code section.
 3. Navigation and water-dependent commercial enterprises and activities, including docks and piers to support existing uses or uses specifically permitted in this Code section.

4. Water transport channels where dredging may be necessary.
5. Flow-lane disposal of dredged material, where consistent with the Dredged Materials Disposal Plan and monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected Natural and Conservation Districts.
6. Water storage areas where needed for products used in or resulting from industry, commerce, and recreation.
7. Marinas.
8. Temporary alterations, subject to the following additional criteria:
 - The alteration shall support a use expressly allowed in this Management Unit in the Comprehensive Plan as defined in the Definitions in the Introduction to the Comprehensive Plan;
 - It shall be for a specified short period of time, not to exceed three years;
 - The area and affected resources shall be restored to their original condition.
9. Short-term fills for temporary alterations, provided the estuarine areas impacted shall be restored following removal of the fill.
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.
 - Non-water-dependent and non-water-related uses and structures that existed as of July 7, 2009, will retain their non-conforming status for five years from the date the use is abandoned or the structure is destroyed; and the existing structure for the same use may be replaced; the provisions of non-conforming uses in the Florence City Code notwithstanding.

Findings: The proposed text amendment modifies subsection 10 of FCC 10-19-4-F to clarify and extend the allowable status of nonconforming structures and uses that existed as of July 7, 2009. Specifically, it allows such structures to retain their nonconforming use status until such time as they are converted to a conforming use. This replaces the previous five-year expiration period and enhances the economic viability of existing development without increasing adverse estuarine impacts.

This amendment applies only to areas outside of those managed for water-dependent uses. The subject property at 1150 Bay Street includes an existing structure constructed prior to the current definitions of water dependency and is not managed for water-dependent activities. No dredging, fill, or new construction within estuarine waters is proposed as part of this amendment. The proposed change therefore does not activate criteria in FCC 10-19-4-G or H. Instead, it focuses solely on codifying how nonconforming structures, such as the long-vacant restaurant building on the subject site, may continue to operate or be reactivated under DE zoning.

The proposed amendment supports the purpose of the DE District by maintaining allowances for continued use of existing infrastructure in areas of minimal biological significance. It does not expand the footprint of development or introduce new uses incompatible with the DE zone. Furthermore, the proposal aligns with the City's approach to estuary management by supporting reuse of existing built resources over demolition and reconstruction, which could carry greater environmental impacts.

The subject building is part of a split-zoned property where roughly 20% of the structure is located within the DE District. The remainder of the building is zoned Old Town and supports more flexible land uses. This amendment harmonizes zoning across the building footprint by allowing reasonable, continued use of the DE-zoned portion in a manner consistent with its historical, non-water-dependent function, without compromising the DE zone's intent to reserve space for water-dependent or estuarine-compatible functions elsewhere.

Conclusion: This criterion is Satisfied. The proposed amendment to FCC 10-19-4-F.10 is consistent with the purpose of the DE District by reinforcing estuarine compatibility, preventing environmental degradation, and preserving historic and economically viable structures without requiring new disturbance or estuary alteration. No dredge or fill is proposed, no estuarine resources are negatively impacted, and the amendment offers clarity and flexibility in regulating long-standing nonconforming uses within the DE zone.

REALIZATION 2020 FLORENCE COMPREHENSIVE PLAN

Chapter 2: Land Use – Policies 3 and 7

Policy 3: The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes.

Finding: The proposed text amendment to FCC 10-19-4-F.10 enhances the enforceability and clarity of the zoning code within the Development Estuary (DE) District by codifying the treatment of nonconforming uses and structures that existed as of July 7, 2009. The amendment eliminates ambiguity regarding the continuation of lawful nonconforming uses and ensures consistency with existing zoning regulations, particularly where zoning boundaries bisect structures. By formalizing the regulatory approach, the amendment supports reliable enforcement of the City’s zoning code, design standards, and related land use ordinances, thereby contributing to the ongoing quality of the built environment in Florence.

Conclusion: This policy is Satisfied.

Policy 7: The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.

Finding: The proposed text amendment does not authorize new development or expansion but rather permits the continued use of a legally established nonconforming structure on a developed parcel. No intensification of use is proposed as part of this application. Any future change of use or redevelopment triggering site design review or subdivision would be subject to infrastructure capacity analysis, including review of water, sewer, and stormwater impacts, as required by this policy and FCC 10-36. As such, the policy’s intent remains applicable at the time of future permitting and does not conflict with this legislative amendment.

Conclusion: This policy is Satisfied.

Chapter 16: Siuslaw River Estuarine Resources – Policies 1, 2, 3, 15, and 18

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.

Finding: The proposed text amendment to FCC 10-19-4-F.10 does not alter or revise the Lane County Coastal Resource Inventory (Appendix 16) or any designations within the Comprehensive Plan. The subject site, including the existing structure at 1150 Bay Street, lies within an area already accounted for in the estuarine resource inventory and CRMP. No changes are proposed to estuarine resource boundaries, classifications, or inventory data. The amendment simply clarifies that nonconforming uses and structures

existing as of July 7, 2009, may continue until voluntarily converted to a conforming use. This regulatory clarification remains consistent with adopted inventory data and does not conflict with the CRMP or its application within the Florence UGB.

Conclusion: This criterion is Satisfied.

Policy 2: Estuary inventory information within the UGB identified after adoption of the Lane County Coastal Resource Inventory, October 1978, that is found, through a land use, development, state or federal permit process, or the Site Investigation Report Process, to be inconsistent with the applicable management unit (MU) designation, shall be addressed in the following manner: The jurisdiction within which the site is located shall study the site according to the requirements in the Statewide Planning Goal 16; and Upon the completion of the study, the affected jurisdiction, in cooperation with the other jurisdiction (City or County) and relevant state and federal agencies, shall determine whether the identified site should be re-classified to a different MU designation, and, if yes, shall: 1) identify the appropriate MU for the site; 2) initiate the process for City adoption of an amendment to the Comprehensive Plan, and, if outside City limits, to the CRMP; and 3) notify all affected property owners and interested parties in accordance with requirements of the applicable Code.

Finding: The subject site is located within the Florence city limits and lies within Estuary Development Management Unit F, consistent with the adopted Lane County Coastal Resource Inventory. The site was developed prior to the 2009 adoption of Ordinance No. 10, which clarified MU boundaries but did not revise this property's classification or inventory data. The proposed text amendment to FCC 10-19-4-F.10 does not identify any inconsistency between the physical site and the mapped MU designation and therefore does not trigger the site study or reclassification procedures outlined in this policy. No changes are proposed to MU boundaries or inventory data, and no new estuarine development is being introduced. The amendment remains fully consistent with the current MU designation and the inventory as adopted.

Conclusion: This criterion is Satisfied.

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.

Finding: The Siuslaw Estuary is classified as a Shallow Draft Development Estuary by the Oregon Estuary Classification. The proposed text amendment to FCC 10-19-4-F.10 supports appropriate use of previously developed estuarine-adjacent land by allowing existing nonconforming structures to continue their nonconforming uses until converted to conforming uses. No new development, fill, or intensification is proposed. The amendment maintains the balance between allowing adaptive reuse of existing structures and preserving the estuary's ecological and aesthetic values. It does not conflict with the estuary's development classification and encourages flexibility and diversity of use consistent with the Plan's goals for environmental and economic sustainability.

Conclusion: This criterion is Satisfied.

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

Finding: The proposed text amendment to FCC 10-19-4-F.10 does not authorize any new development or introduce changes that would degrade estuarine resources. It allows for the continued use of existing nonconforming structures that predate current zoning and use limitations, provided no dredging, filling, or physical alteration of the estuary occurs. The amendment respects the estuarine resource management priorities by confining continued use to already-developed sites and not permitting new or intensified activity in the estuary itself. Any future use that falls into categories (c) or (d) above would still be required to meet all applicable estuary management criteria, thereby preserving ecosystem integrity and alignment with the Shallow Draft Development Estuary classification.

Conclusion: This criterion is Satisfied.

Policy 18: In Development Estuary Management Units, the following additional policies shall apply: a. Permitted activities in the estuary throughout Development Estuary MUs are as follows, provided that these specific activities do not involve dredge or fill: 1) Maintenance of existing riprap and other erosion control structures which are currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance shall not increase the size, extent, or scope of the structure or otherwise alter the estuary. b. Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing dock or pier or otherwise alter the estuary. Permitted uses in the estuary in Areas Managed for Water Dependent Activities, shall be limited to the following, subject to the applicable criteria below: 1) 2) 3) Navigation and dredging and fill necessary to support navigation, consistent with the criteria in d. Maintenance dredging and maintenance of the north jetty are permitted where they have been established as appropriate in the Florence Comprehensive Plan for specific Management Units. Maintenance dredging must also meet the following additional criteria: 1) the footprint of the area to be dredged shall be the same as the area that has been dredged in the past; and 2) the dredging shall be approved by all applicable federal and state permitting agencies. For example, maintenance dredging of the Federal Navigation Channel, as authorized in the Siuslaw River Dredge Material Disposal Plan, is automatically approved and need not go through a local permit process for each individual project. Water-dependent commercial and industrial uses, and dredging and fill necessary to support these uses, subject to the applicable requirements in f and either d or e (if dredging or fill is involved, the requirements in d apply; if the use will otherwise alter the estuary, the requirements in e apply). Examples of water-dependent commercial and industrial uses include, but are not limited to, the following (for additional water-dependent commercial and industrial uses, see the Definition of this term in Chapter I): a) b) c) d) e) f) Docks and piers to support water-dependent industrial and commercial uses. Flood and erosion control structures such as jetties, bulkheads, seawalls, and groin construction, may be installed and maintained, and riprap may be installed and expanded; provided all such uses are needed to protect water-dependent commercial and industrial uses Flow-lane disposal of dredged material, where consistent with the Dredged Materials Disposal Plan, and monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected Natural and Conservation MUs Water storage areas where needed for products used in or resulting from industry, commerce, and recreation Marinas Temporary alterations, subject to the following additional criteria: the alteration shall support a use expressly allowed in this MU in this Comprehensive Plan as defined in the Definitions in the Introduction to this Comprehensive Plan; it shall be for a specified short period of time, not to exceed three years; and the area and affected resources shall be restored to their original condition g) c. Short-term fills for temporary alterations provided the estuarine areas impacted shall be restored following removal of the fill. Permitted uses or activities in Development Estuary areas outside of Areas Managed for Water-dependent Activities, shall be limited to the following, provided the proposed use must not be detrimental to natural characteristics or values in the adjacent estuary, and subject to the

specific criteria below, and the applicable requirements in f and either d or e (if dredging or fill is required, the requirements in d apply; if the use will otherwise alter the estuary, the requirements in e apply): 1) 2) 3) 4) 5) 6) 7) 8) 9) 10) Dredge or fill, as needed for navigation or to support uses specifically allowed in this Comprehensive Plan policy Flood and erosion control structures such as jetties, bulkheads, seawalls, and groin construction, may be installed and maintained, and riprap may be installed and expanded; provided all such uses are needed to protect existing uses or uses specifically allowed in this Comprehensive Plan policy Navigation and water-dependent commercial enterprises and activities, including docks and piers to support an existing use or a use specifically allowed in this Comprehensive Plan policy. Water transport channels where dredging may be necessary. Flow-lane disposal of dredged material, where consistent with the Dredged Materials Disposal Plan, and monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected Natural and Conservation MUs. Water storage areas where needed for products used in or resulting from industry, commerce, and recreation Marinas. Temporary alterations, subject to the following additional criteria: the alteration shall support a use expressly allowed in this MU in this Comprehensive Plan as defined in the Definitions in the Introduction to this Comprehensive Plan; it shall be for a specified short period of time, not to exceed three years; and the area and affected resources shall be restored to their original condition. Short-term fills for temporary alterations provided the estuarine areas impacted shall be restored following removal of the fill. Water-related uses; non-water-dependent uses, non-water-related uses not requiring dredge or fill; and activities identified in Natural and Conservation MUs may also be allowed where consistent with the purposes of this MU and adjacent shorelands designated Water Dependent (or designated for waterfront redevelopment). In designating areas for these uses, local governments shall consider the potential for using upland sites to reduce or limit the commitment of the estuarine surface area for surface uses. d. e. f. Dredging projects, other than maintenance dredging as permitted in b, above, and any project which requires fill in the estuary, shall be allowed only if the project or activity complies with all of the following criteria: 1) 2) 3) 4) 5) 6) 7) The dredging or fill is expressly permitted in sections b or c, above; A substantial public benefit is demonstrated and the activity does not unreasonably interfere with public trust rights; No alternative upland locations are feasible; Adverse impacts 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 allowed in b and c, above are minimized; 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, water and erosion control structures, such as riprap, jetties, bulkheads, seawalls, and similar protective structures; and fill, whether located in the waterways or on shorelands above the ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. Dredge or fill activities, as otherwise approved, 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. All federal and state permit requirements, including mitigation requirements, are met as a condition of approval. Activities or uses which could potentially alter the estuary that do not involve dredge or fill shall only be allowed in Development Estuary MUs when the use or activity complies with all of the following criteria: 1) 2) 3) 4) the activity or use is expressly permitted in sections b or c, above; no alternative upland locations are feasible; 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 b and c above; 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, water and erosion control structures, such as riprap, jetties, bulkheads, seawalls, and similar protective structures, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. The proliferation of individual single-purpose docks and piers shall be discouraged in

Development Estuary MUs by encouraging community facilities common Activities or uses which could potentially alter the estuary that do not involve dredge or fill shall only be allowed in Development Estuary MUs when the use or activity complies with all of the following criteria: 1) 2) 3) 4) the activity or use is expressly permitted in sections b or c, above; no alternative upland locations are feasible; 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 b and c above; 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, water and erosion control structures, such as riprap, jetties, bulkheads, seawalls, and similar protective structures, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. The proliferation of individual single-purpose docks and piers shall be discouraged in Development Estuary MUs by encouraging community facilities common o several uses and interests. The size and shape of a dock or pier shall be limited to that required for the intended use. Alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps shall be investigated and considered.

Finding: The proposed text amendment to FCC 10-19-4-F.10 is limited in scope and applies only to the continuation of nonconforming uses within existing structures in the Development Estuary (DE) zoning district. It does not authorize dredging, filling, new construction, or physical alteration of the estuary. The amendment explicitly preserves the requirement that any future use involving estuarine alteration must comply with all applicable local, state, and federal criteria, including those outlined in subsections a–f of Policy 18. The amendment’s intent is to maintain legal use of structures built prior to zoning changes, not to introduce new estuarine impacts. Therefore, it aligns with the layered restrictions of Policy 18 by reinforcing that continued use must be non-detrimental, must not expand existing footprints, and must not bypass existing estuarine protection standards.

Conclusion: This criterion is Satisfied.

Chapter 17: Coastal Shorelands – Policies 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 15, and 16

Policy 1: The Lane County Coastal Resource Inventory and amendments shall serve as the definitive document for inventory data related to Goal 17, Coastal Shorelands, except as the inventory is updated through processes prescribed in this Comprehensive Plan and the Florence City Code. This Comprehensive Plan shall be the definitive document for policies related to Coastal Shorelands in the Florence UGB

Finding: The subject property lies within designated shorelands and contains a pre-existing, split-zoned structure. The amendment allows continued use of the DE-zoned portion of this building without expanding its footprint or intensifying its use. This protects the estuary and shoreland area from new development pressure while encouraging the preservation and adaptive reuse of existing structures that carry economic and social value. No changes to shoreland boundaries or natural features are proposed.

Conclusion: This criterion is Satisfied.

Policy 2: Coastal Shorelands inventory information inside the UGB identified after adoption of the Lane County Coastal Resource Inventory, October 1978, that is found, through a land use, development, state or federal permit process, or the Site Investigation Report Process, to be inconsistent with the applicable Management Unit (MU) designation, shall be addressed in the following manner: a. The jurisdiction within which the site is located shall study the site according to the requirements in the Statewide Planning Goal 17; and b. Upon the completion of the study, the affected jurisdiction, in cooperation with the other jurisdiction (City or County) and relevant state and federal agencies, shall determine whether the identified site should be re-classified to a different MU designation, and, if yes, shall: 1) identify the appropriate MU for the site; 2) initiate the process for City adoption of an amendment to the Comprehensive Plan, and, if outside City limits, to the CRMP; and 3) notify all affected property owners

and interested parties in accordance with requirements of the applicable Code.

Finding: The subject property lies within the Florence Urban Growth Boundary and is designated within existing, adopted Shoreland and Estuarine Management Units, including Shoreland Residential Development Area 3 and Estuary Development Area F. The proposed text amendment to FCC 10-19-4-F.10 does not introduce or rely upon new inventory data nor does it assert that current MU designations are inconsistent with on-the-ground conditions. No land use action, permit, or site investigation has identified inconsistencies requiring study or reclassification under this policy. As such, no inventory correction or Comprehensive Plan amendment is necessary to implement the proposed code revision. The amendment simply clarifies regulatory treatment of existing nonconforming structures in already-classified MUs without proposing any re-mapping or re-designation.

Conclusion: This criterion is Satisfied.

Policy 3: This Plan, implementing actions, and permit reviews shall include consideration of the critical relationships between Coastal Shorelands and resources of coastal waters, and of the geologic and hydrologic hazards associated with Coastal Shorelands.

Finding: The application is supported by a boundary-corrected survey, zoning and estuary overlay maps, aerial imagery, and planning history. No expansion of use or development into natural areas is proposed. The DE-zoned portion of the structure is previously disturbed and has minimal biological significance. These conclusions are based on existing site and estuary inventory information available to staff and documented in prior land use corrections.

Conclusion: This criterion is Satisfied.

Policy 4: In addition to the goals, policies, and recommendations in this Chapter, provisions in Chapter 7, Special Development Standards shall also be considered as they relate to special development conditions. Where conflicts exist, the policies in this Chapter 17 shall prevail.

Finding: The subject site does not include inventoried significant habitat and is composed of developed shoreline with riprap and retaining walls. The amendment does not affect shoreline function, vegetation, or wildlife. The use of existing structures minimizes the potential for site disturbance or environmental degradation.

Conclusion: This criterion is Satisfied.

Policy 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 amendment supports continued use of existing structures without initiating new land disturbance, fill, or construction. This passive reuse approach avoids adverse impacts to water quality and shoreland values and does not authorize dredging or other alteration to estuarine systems.

Conclusion: This criterion is Satisfied.

Policy 6: 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, water and erosion control structures, such as riprap, jetties, bulkheads, seawalls, and similar protective structures; 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.

Finding: The proposed amendment does not introduce new development or disturbance. While it does not trigger mandatory restoration, it preserves the potential for future voluntary restoration by preventing unnecessary structural demolition and deterioration. No new adverse impacts are introduced.

Conclusion: This criterion is Satisfied.

Policy 7: The City, together with Lane County, state, tribal, and federal agencies, shall, within the limits of their authorities, maintain the diverse environmental, economic, cultural, and social values of Coastal Shorelands and water quality in coastal waters. Within those limits, they shall also minimize human-induced sedimentation in estuaries, near shore ocean waters, and coastal lakes.

Finding: The subject property is privately owned and does not contain public shoreline access or rights of way. The proposed amendment does not affect access corridors or public ownership. Existing rights are preserved.

Conclusion: This criterion is Satisfied.

Policy 8: This Plan, implementing actions, and permit reviews shall include consideration of the strong relationships between Coastal Shorelands and traditional tribal land use patterns which have been heavily dependent on the resources of coastal and estuarine waters, and shall conserve archaeological resources. Actions shall avoid, where possible, impacts to archaeological resources. Unavoidable impacts to tribal archaeological resources shall be mitigated in consultation with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. Mitigation may include data recovery (archaeological excavation), capping, or other appropriate methods of preserving the archaeological value of the site.

Finding: The proposed text amendment to FCC 10-19-4-F.10 does not authorize any physical site alteration, ground disturbance, or development activity. It pertains solely to the continued use of existing nonconforming structures and does not affect archaeological resources. No excavation, grading, or site work is proposed or permitted under the amendment, and any future proposal that might involve site disturbance would be subject to archaeological review in accordance with this policy and Oregon state law. In this case, since no new activity is introduced, there is no potential impact to tribal cultural or archaeological resources. The City remains committed to consultation with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians in the event that such resources are discovered or affected by future proposals.

Conclusion: This criterion is Satisfied.

Policy 10: Existing visual and physical access points in the UGB shall be retained (see Table 17.1). The City, in coordination with the Parks and Recreation Division, shall develop and implement a program to provide increased public access to Coastal Shorelands. Existing public ownerships, rights of way, and similar public easements in Coastal Shorelands which provide access to or along coastal water shall be retained or replaced if sold, exchanged or transferred. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

Finding: The subject property is privately owned and does not contain public easements, access corridors, or public rights-of-way providing visual or physical access to coastal waters. The proposed text amendment to FCC 10-19-4-F.10 does not affect any existing public access provisions or authorize development that would obstruct, vacate, or alter shoreline access. The amendment allows continued use of an existing nonconforming structure without increasing building footprint or intensifying land use. The policy remains fully intact, and any future development or redevelopment would be reviewed for consistency with shoreline access requirements and Table 17.1. No change in access conditions occurs as

a result of this legislative code revision.

Conclusion: This criterion is Satisfied.

Policy 11: Coastal Shorelands in the Florence UGB shall be all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal lakes, and North Jetty Lake. The following Management Unit designations, as described in this Chapter of the Comprehensive Plan, shall apply to Shorelands within the Florence UGB: Shoreland Dredged Material Disposal Sites, Natural Resources Conservation, Mixed Development, Residential Development, and Prime Wildlife Area. Application of these MUs to specific areas is shown on “Map 17-1: Estuary and Coastal Shoreland Management Units in the Florence UGB,” in this chapter of this Comprehensive Plan.

Finding: The subject property is located within the Florence UGB and lies adjacent to the Siuslaw Estuary. It is designated as part of the Residential Development Shoreland Management Unit, as shown on Map 17-1 of the Comprehensive Plan. The proposed text amendment to FCC 10-19-4-F.10 does not alter any Management Unit boundaries, add or remove designations, or conflict with the mapped or described MU classifications in Chapter 17. Rather, it provides zoning clarity for properties with lawful nonconforming structures located within existing MU boundaries. The amendment is compatible with the acknowledged Shoreland MU framework and maintains consistency with the Coastal Shorelands mapping and designation system established by the Comprehensive Plan.

Conclusion: This criterion is Satisfied.

Policy 12: General use priority (highest to lowest):

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 property is subject to both base zoning (DE and Old Town) and overlay designations from the Coastal Shoreland Management Units. The amendment does not waive or modify these standards. All future use or development remains subject to applicable DE zone and shoreland overlay requirements.

Conclusion: This criterion is Satisfied.

Policy 15: Shoreland MUs are designated as: Dredged Material Disposal Sites, Natural Resources Conservation, Mixed Development, Residential Development, and Prime Wildlife Area (see Map 17-1).

Finding: The proposed text amendment to FCC 10-19-4-F.10 allows the continuation of existing nonconforming uses within pre-existing structures located in designated shorelands. It does not introduce new use types, expand structural footprints, or result in a permanent or intensified commitment of shoreland areas. The amendment enables limited flexibility by preserving existing structures for continued use until voluntarily converted to conforming uses, consistent with priorities 4 and 5. No permanent or long-term alteration of shoreland features is proposed, and any future use changes would remain subject to the priority hierarchy established by this policy and corresponding zoning and overlay requirements. The proposal does not undermine the protection or future adaptability of coastal shorelands.

Conclusion: This criterion is Satisfied.

Policy 16: In Residential Development Management Units, the following additional policies shall apply:

a. For Shorelands in the Residential Development MU within the Florence UGB, implementation

requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply outside city limits, and the Shoreland Residential 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 and 4 of the General Priority Statement (Policy 12).

c. Filling in coastal lakes adjacent to this MU shall be allowed only 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. Where vegetation is not presently existing, it should be encouraged to be replanted. (Setback requirements on ocean shorelands in this MU will vary depending on the rate of erosion in the area and will be determined by Phase II Site Investigation Report, with a 100' minimum).

Finding: The subject site lies within the City of Florence and is designated as part of the Shoreland Residential Development Management Unit. The proposed text amendment to FCC 10-19-4-F.10 applies only to properties within the city limits and does not alter land division regulations, introduce new development, or propose fill activities. The amendment reinforces the application of the existing Shoreland Residential Overlay (FCC 10-19) and ensures continued compliance with local and state regulations governing shoreland protection. It does not permit any construction within estuarine or lake buffers, nor does it propose new shoreline uses that would conflict with the use priorities identified in Policy 12. Any future development would be subject to on-site evaluation and setback requirements per FCC 10-19 and applicable site investigation protocols.

Conclusion: This criterion is Satisfied.

Oregon Revised Statutes (ORS)

ORS 197.610, ORS 197.615

ORS 197.610 – Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development (DLCD)

Finding: As required by ORS 197.610(1), the proposed text amendment was submitted to the Department of Land Conservation and Development (DLCD) at least 35 days prior to the first evidentiary hearing before the Planning Commission. This submission provided DLCD the opportunity to review and comment on the proposed amendment as required by law. The submission included Form 1 and associated text amendment materials.

Conclusion: This criterion is Satisfied.

ORS 197.615 – Submission of adopted comprehensive plan or land use regulation changes to DLCD

Finding: While this provision pertains to the post-adoption phase of the legislative amendment process, the City of Florence has established internal procedures to submit the adopted ordinance and findings to DLCD within 20 days following final adoption by the City Council, consistent with ORS 197.615(1). This ensures the adopted amendment will be properly acknowledged by the State.

Conclusion: This criterion will be satisfied upon adoption and submission.

Oregon Statewide Planning Goals & OARs

OAR 660-015 (Goals 1, 2, 16, 17)

OAR 660-018-0020 (Post-Acknowledgment Plan Amendments)

Goal 1: Citizen Involvement

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

Finding: The proposed text amendment has been processed through Florence's acknowledged citizen involvement program, which includes public notice to surrounding property owners, publication in the *Siuslaw News*, and public hearings before both the Planning Commission and City Council. These procedures satisfy FCC 10-1-1-6 and were carried out in accordance with OAR 660-018-0020 and ORS 197.610. Public materials were made available well in advance, and testimony has been invited in both written and oral form.

Conclusion: This criterion is Satisfied.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to land use.

Finding: This legislative text amendment was initiated through Florence's acknowledged process for land use changes. The Type IV public hearing procedure was followed, and the application includes a complete staff report, findings of fact, and coordination with applicable planning documents. The amendment ensures predictability in zoning administration by clarifying how existing nonconforming uses in the DE zone are regulated.

Conclusion: This criterion is Satisfied.

Goal 16: Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of Oregon's estuaries.

Finding: The amendment pertains only to historically developed structures within the Development Estuary (DE) zone and does not involve new development, fill, or estuary alteration. It allows limited reuse of existing buildings without further estuarine impact. No changes are proposed to management units or estuary boundaries. The proposal is consistent with Florence's Goal 16 implementation measures and Coastal Resource Inventory.

Conclusion: This criterion is Satisfied.

Goal 17: Coastal Shorelands

To conserve, protect, and, where appropriate, develop the resources and benefits of all coastal shorelands.

Finding: The subject site lies within an established Shoreland Management Unit and includes an existing structure developed prior to the adoption of current DE zone standards. The proposed amendment supports the reuse of that structure while maintaining compliance with all applicable shoreland protection criteria. No shoreline modification, vegetation removal, or land disturbance is proposed. The proposal aligns with the management strategy of limiting new encroachment while supporting existing uses.

Conclusion: This criterion is Satisfied.

OAR 660-018-0020 – Notice Requirements for Post-Acknowledgment Plan Amendments

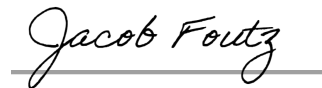
Finding: The City submitted notice of the proposed text amendment to the Department of Land Conservation and Development (DLCD) more than 35 days before the first evidentiary hearing in compliance with OAR 660-018-0020(2). The notice included all required elements, including a summary of the proposal and the relevant section of the code (FCC 10-19-4-F.10).

Conclusion: This criterion is Satisfied.

IV. SUMMARY CONCLUSIONS AND STAFF RECOMMENDATION

This request by the applicant, Chris Leturno on behalf of A & D Bay Street, LLC, to receive approval of a text amendment to Florence City Code Title 10, Chapter 19, Section 4-F.10, and Comprehensive Plan Chapter 16, Policy 18.c.10, 18.d.3, and 18.e.2 to allow nonconforming structures in the Development Estuary (DE) District to continue nonconforming uses until such time as they are converted to a conforming use—meets, or is capable of meeting through the legislative process, all applicable criteria for a Type IV (legislative) text amendment in the City of Florence.

Therefore, based on the information in Sections I and II of this report and the applicable review criteria, findings of fact, and conclusions contained in Section III, Staff recommends the Planning Commission recommend **APPROVAL** to the Florence City Council of this text amendment, PC 25 04 TA 01.

A handwritten signature in black ink that reads "Jacob Foutz". The signature is written in a cursive style and is positioned above a horizontal line.

Jacob Foutz, Planning Manager, 6-3-25



LAND USE PLANNING AND CONSULTING SERVICES

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**APPLICATION FOR:
 A ZONING ORDINANCE TEXT AMENDMENT TO
 THE DEVELOPMENT ESTUARY (DE)
 TO ALLOW CONTINUED USE OF NONCONFORMING
 STRUCTURE WITH NONCONFORMING USES**

July 23, 2024

I. DETAILS:

Applicant:	Chris Leturno on behalf of A & D Bay Street LLC. 1355 Oak St. Ste. 200, Eugene, Oregon 97401.
Owner:	A & D Bay Street LLC., 1355 Oak St. Ste. 200, Eugene, Oregon 97401.
Agent:	Jed Truett, AICP, Metro Planning, Inc., 846 A Street, Spfld, OR 97477.
Map/TL:	18-12-34-12, TLs 8000. Exhibit H.
Site Address:	1150 Bay Street (TL 8000);. Exhibit I.
Current Zoning:	Old Town Area A (Old Town A) and Development Estuary (DE).
Current CP Des:	Downtown. Exhibit D.
Current OL Des:	Estuary Development F/Shoreland Residential Development 3.
Size:	.90 acre.
Services:	Fire: Florence Fire Police: City of Florence Water/Sewer: City of Florence Schools: Florence Access: Bay Street Exhibit I.
Legal Lot:	Platted. Ex L.
Annex:	Yes.
Pre-App meeting:	Yes. January 31, 2023.

II. EXHIBITS

A: Site Plan <ul style="list-style-type: none">• Overlay Plan• Survey	H: A&T map
B: Vicinity	I: RLID Printouts
C: MU Diagram (to be provided once amended by City)	J: Deed
D: Comprehensive Plan diagrams	K: PDC
E: Zoning diagrams (to be provided once amended by City)	L: Plat (Florence)
F: Aerial photo	M: Bay Bridge Marina Info
G: Natural Resource	N: Photos of Site
	O: Ordinance No. _____ amending zoning and designation boundary

III. PROPOSAL

A text amendment to FDO 10-19-4-F.10 to allow nonconforming structures to be used for nonconforming uses in the Development Estuary (“DE”) District until such time the structure is converted to a conforming use.

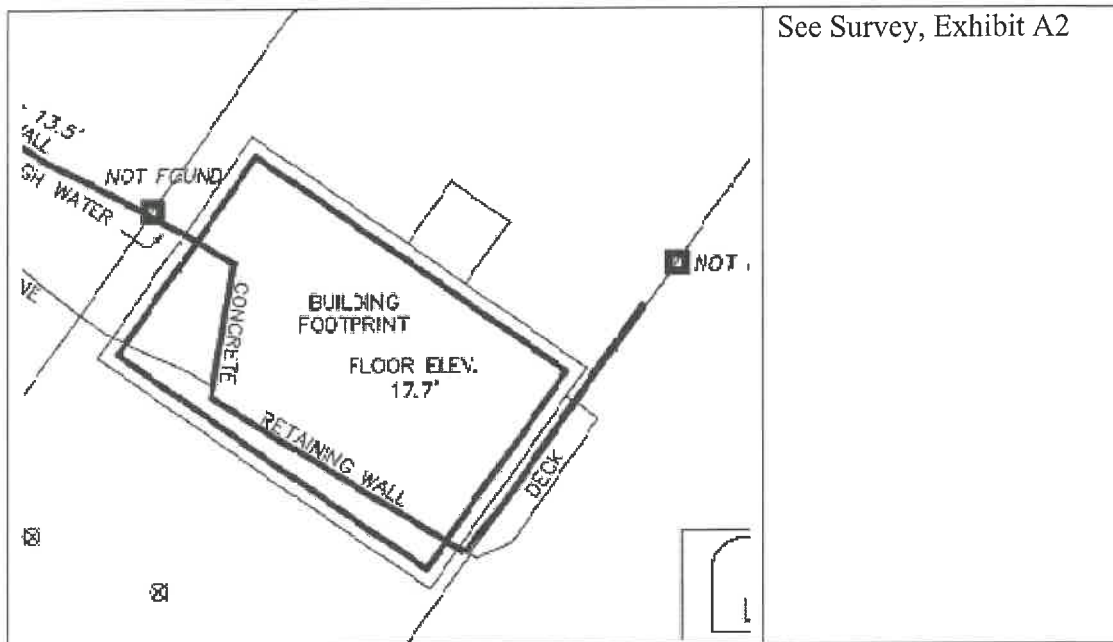
The proposal does not change the boundary of the Comprehensive Plan Designation, the MU DE designation, or the zoning districts. As such, the proposal does not impact the coastal resources inventory.

The proposal is justified by the unique history and construction of the existing structure, the unique location of the zoning boundary, the unique location of the building, and the need to preserve the existing structure.

IV. FACTS/BACKGROUND:

TL 8000 is the subject of a recent correction to the location of the boundary between the Shorelands Residential Development MU/Old Town A and Development Estuary/DE District designations. The amendment corrected the location of the boundary based on the actual location of the Ordinary Higher High Water line. The new boundary between the districts has yet to be uploaded to the various planning diagrams but is identified as being located consistent with the existing retaining wall. See Diagram 1, below.

DIAGRAM 1



TL 8000 is developed with an old restaurant commonly referred to as The Lotus, which is currently vacant.

V. PLANNING DOCUMENTS

As relevant to this request, the subject property is governed by four planning documents: the City of Florence Comprehensive Plan, Estuary Management Units Comp Plan Overlay, the Downtown Refinement Plan, and the City's zoning ordinance.

Comp Plan: The property is designated in the 2020 Florence Comprehensive Plan as "Downtown." This designation applies to the entirety of each property, stretching to the bank of the Siuslaw River. Exhibit D. The designation is implemented by the existing MU plan designations and the existing zoning. This designation also implements the proposed MU designation and zoning. The subject text amendment request does not change the Comprehensive Plan designation. As such, the Comprehensive Plan is not directly applicable and need not be addressed further.

Comprehensive Plan Overlay (Coastal MUs): The City is required to comply with Goal 16 and Goal 17. Comprehensive Plan Map 17-1: Estuary & Coastal Shorelands Management Units identifies the shoreland MUs on the property. Exhibit D. The river side portion of the property is designated “Development Estuary; Area F” MU; the street side portion of the property is designated “Shoreland Residential Development/Area 3” MU. The subject text amendment request does not change the Comprehensive Plan Overlay MU. As such, the Coastal MUs are not directly applicable and need not be addressed further.

Downtown Refinement Plan: The property is also governed by the Downtown Refinement Plan. The property is designated “Old Town” in the Downtown Refinement Plan. The exact boundary of this area is difficult to identify, but it appears that the entire property is designated OldTown. The subject text amendment request does not change the Refinement Plan designation. As such, the Refinement Plan not directly applicable and need not be addressed further.

Zoning: The property is split zoned Mixed Use Old Town and Development Estuary (Hereafter, DE). The subject text amendment request does not change the Zoning Map, but does change the text of DE zone. As such, the Refinement Plan is not directly applicable and need not be addressed further.

I. ZONE TEXT CHANGE APPROVAL CRITERIA

The proposed zone change shall be processed consistent with FCC 10-1-1-6-4 and FCC 10-1-3. Beyond the provisions sited, there do not appear to be any zone change approval criteria. The property is currently split zoned Old Town and Estuary Development (ED). The exact boundary between the districts is identified by the sea wall, as shown in Diagram 1 above. This results in a split zone building. The proposal does not suggest amending the boundary, but requests that the nonconforming status of the building, and this unique zoning situation, be recognized and that the Zoning Ordinance be amended to allow reasonable use of the building.

This amendment is necessary to allow use of the existing building in an efficient and economical manner. Without this amendment, the split-zoned status of the building will hinder future use and value. This is not ideal for the City or the property owner. To correct this situation, the applicant is proposing an amendment to FZO 10-19-4.

FZO 10-19-4-F currently reads,

*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 (Type III review), subject to the applicable criteria. ****

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. Non water-dependent and non-water-related uses and structures that existed as of July 7, 2009 will retain their non-conforming status for five years from the date the use is abandoned or the structure is destroyed; and the existing structure for the same use may be replaced; the provisions of non-conforming uses in the Florence City Code notwithstanding.

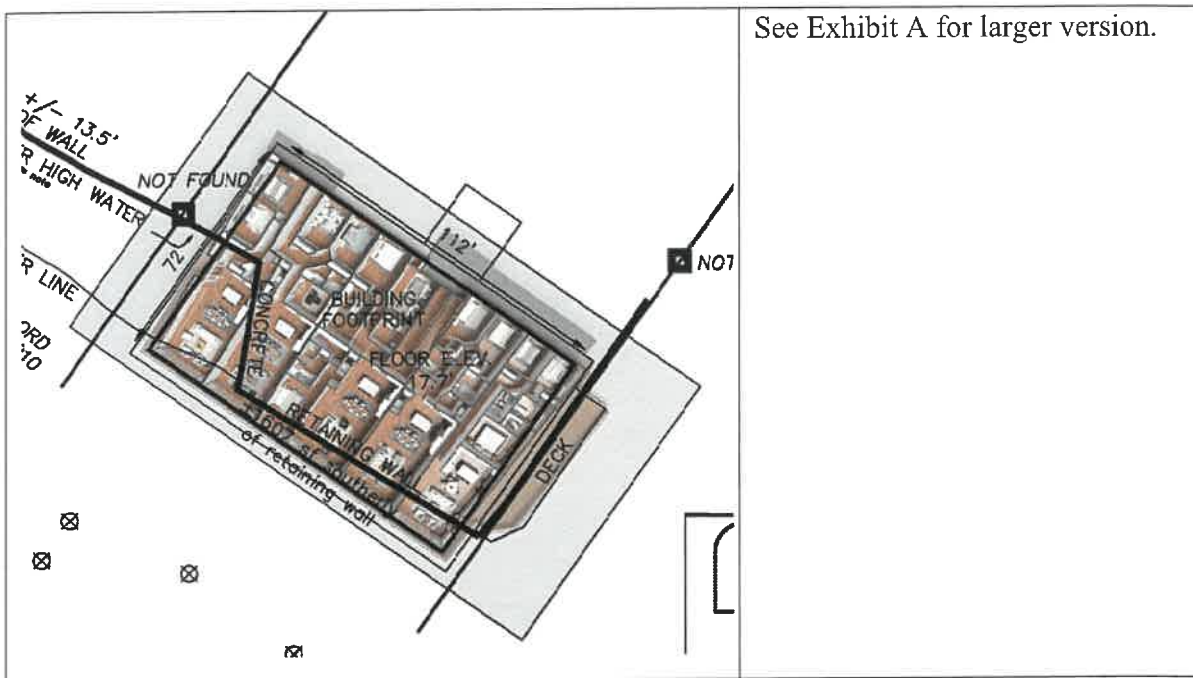
The subject property is not managed for Water Dependent Uses. The exiting structure was built as a restaurant and marina roughly 1989 by Tony Chu. The pilings for the marina remain. Remnants of the pier, gang plank and fuels box still exist on the adjacent lot. The building existed as Baybridge Steak and Seafood for a number of years and then became the Lotus Seafood Palace. The Lotus ceased to operate in fall of 2003. The building became a nonconforming structure when the definition of water dependent use was changed. Restaurants were no longer an allowed use.

The structure has sat vacant, been a target for vandalism, and been an eyesore in the area for over 20 years. The structure is not constructed, either structurally or by layout, to house water dependent uses. Hence, it's 20+ year vacancy. It is deteriorating and the City will soon lose this historic structure unless a use occupies it.

The situation with the structure is very unique in that the structure itself is split-zoned, with the south 1,607 sf being zoned DE and the north 6,457 sf zoned Old Town. Thus, 80% of the building is zoned Old Town, and an awkward 20% is zoned DE. See Diagram 2, below. The purpose of the proposal is to allow the structure to be used as one unified building, which is the only option that makes sense. However, the proposal does not remove the DE area of the structure from the DE zone and thus does not impact the City's coastal inventory.

The applicant requests that the City recognize the unique constraints and opportunities of this building and allow a minor amendment to the text of the code to allow this nonconforming structure to be utilized for any use allowed in the adjacent zone.

Diagram 2



The applicant requests broadening the nonconforming use language for structures that were abandoned, which would help several properties in this zone and allow these nonconforming uses and structures to organically change over time. The applicant proposed the following edits to allow nonconforming structures to continue,

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. *Notwithstanding the non-conforming use provisions in the Florence City Code, [n]on water-dependent and non-water-related uses and structures that existed as of July 7, 2009 will: (1) retain their non-conforming status for five years from the date the use is abandoned or the structure is destroyed; (2) retain their non-conforming status where the nonconforming use or structure is abandoned until such time the use or structure is converted to a conforming use. Nonconforming structures may be used for any use previously existing, or any use currently allowed in the underlying zoning district or an adjacent zoning district; and (3) the existing structure for the same use may be replaced.; the provisions of non-conforming uses in the Florence City Code notwithstanding.*

Note that this amendment is draft to apply broadly. However, if this is too broad, the amendment can be narrowed so that it only applies to the subject building.

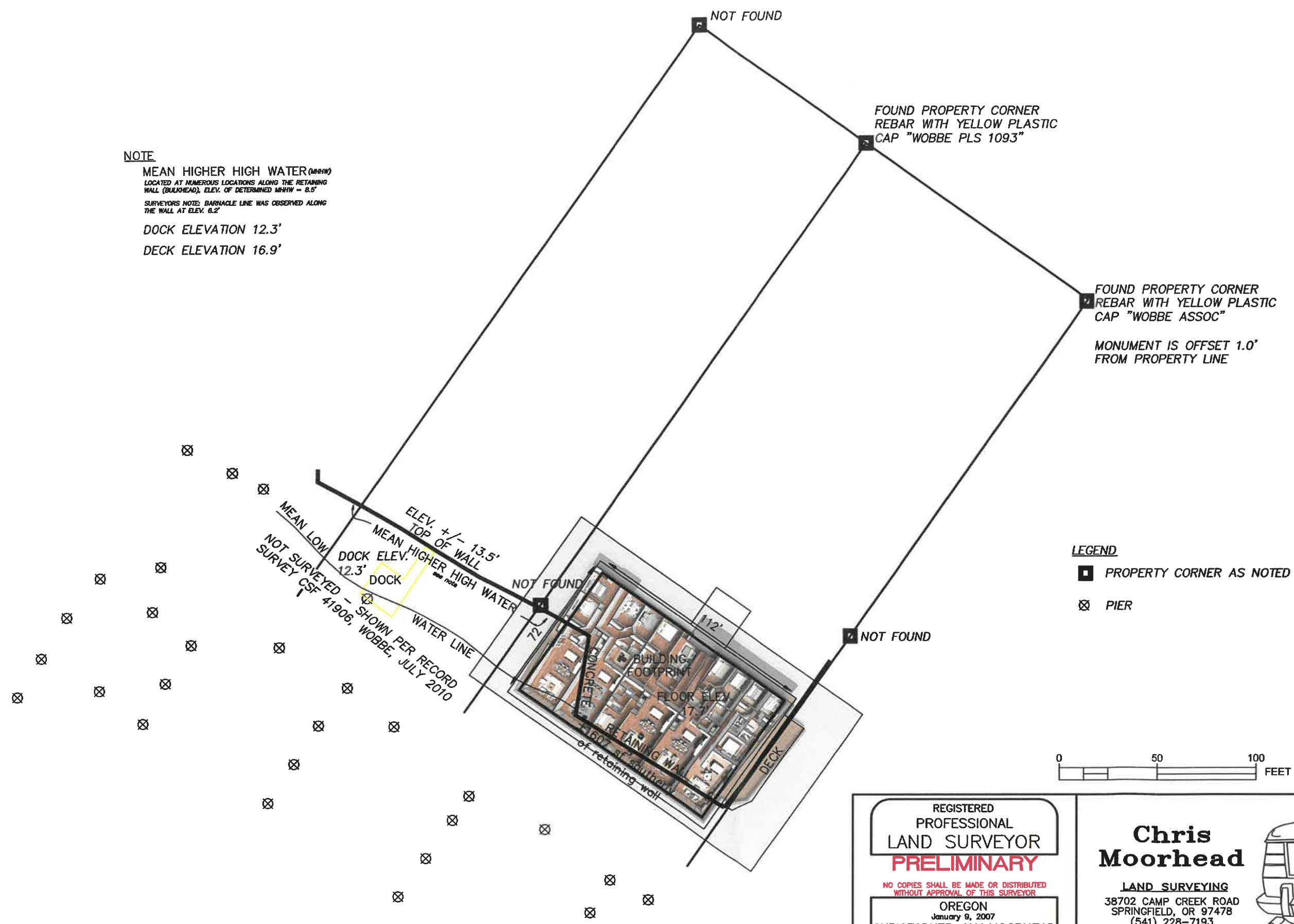
Note that the proposal is supported by the purpose statement of the DE zone,

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.

Further, the area subject to the propose NCU amendment is not part of a usable channel, designated for disposal of dredge material or deep water.

NOTE
MEAN HIGHER HIGH WATER (MHHW)
LOCATED AT NUMEROUS LOCATIONS ALONG THE RETAINING
WALL (BULKHEAD), ELEV. OF DETERMINED MHHW = 6.5'
SURVEYORS NOTE: BARNACLE LINE WAS OBSERVED ALONG
THE WALL AT ELEV. 6.2'

DOCK ELEVATION 12.3'
DECK ELEVATION 16.9'



N

SCALE:
1" = 50'

LEGEND
■ PROPERTY CORNER AS NOTED
⊗ PIER

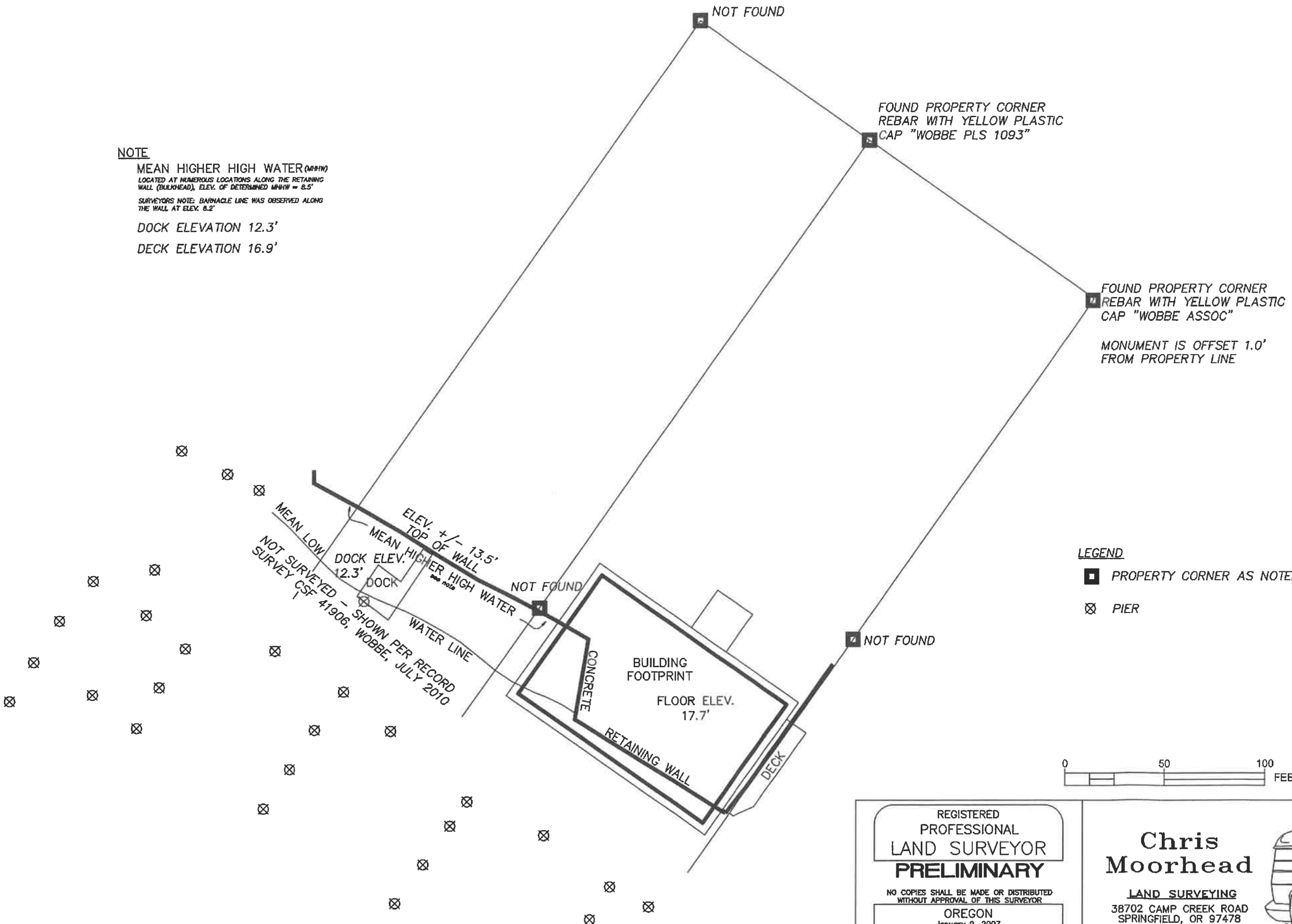


REGISTERED
PROFESSIONAL
LAND SURVEYOR
PRELIMINARY
NO COPIES SHALL BE MADE OR DISTRIBUTED
WITHOUT APPROVAL OF THIS SURVEYOR
OREGON
January 9, 2007
CHRISTOPHER JAY MOORHEAD
61380LS
RENEWAL DATE: DECEMBER 31, 2026

Chris Moorhead
LAND SURVEYING
38702 CAMP CREEK ROAD
SPRINGFIELD, OR 97478
(541) 228-7193
sppam@hotmail.com
licensed PLS and CWRE

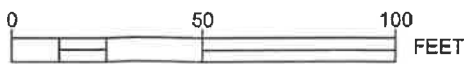
NOTE
MEAN HIGHER HIGH WATER (MHHW)
LOCATED AT NUMEROUS LOCATIONS ALONG THE RETAINING
WALL (BULKHEAD), ELEV. OF DETERMINED MHHW = 6.5'
SURVEYORS NOTE: BARNACLE LINE WAS OBSERVED ALONG
THE WALL AT ELEV. 6.2'

DOCK ELEVATION 12.3'
DECK ELEVATION 16.9'

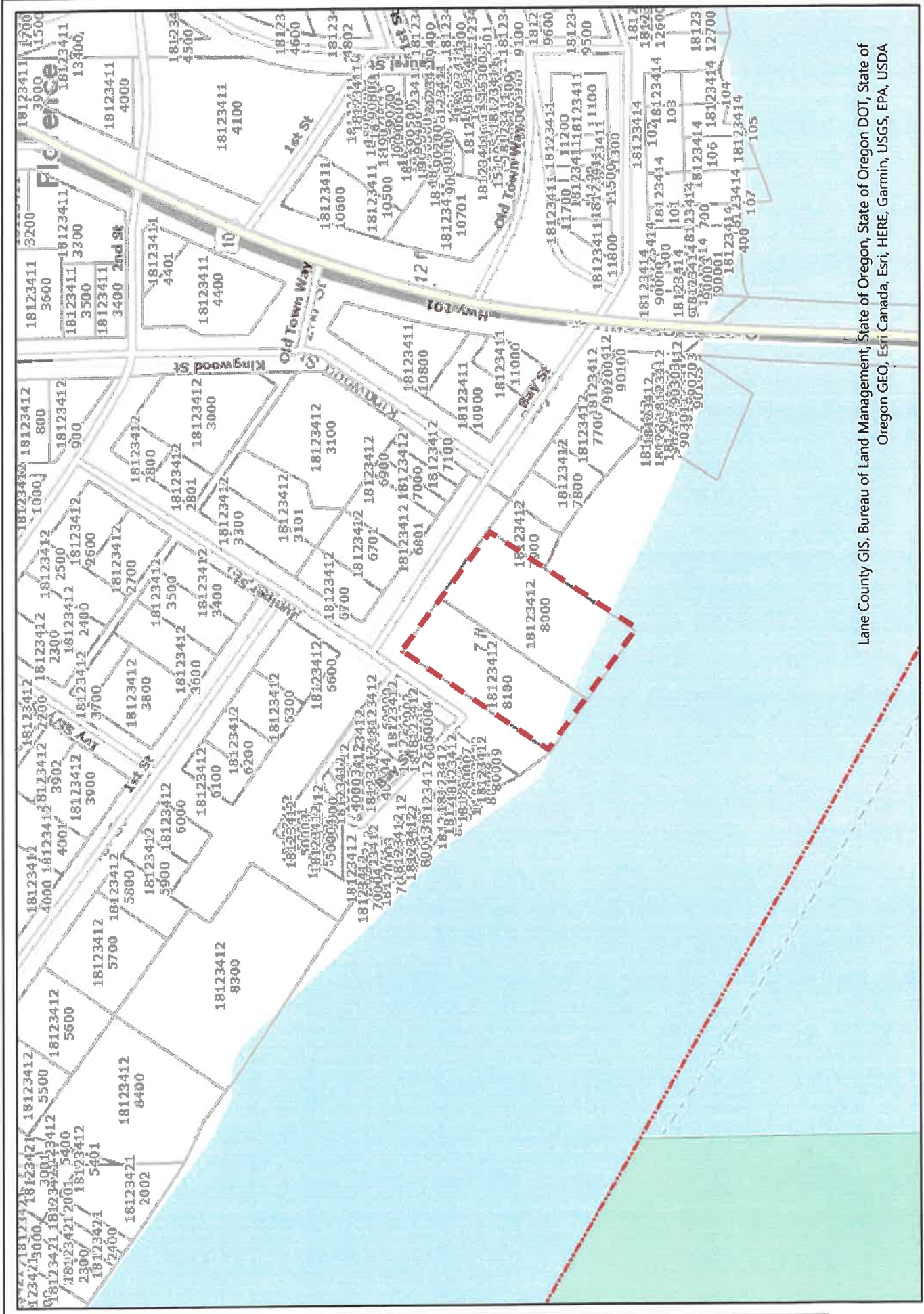


SCALE:
1" = 50'

LEGEND
■ PROPERTY CORNER AS NOTED
⊗ PIER



<p>REGISTERED PROFESSIONAL LAND SURVEYOR PRELIMINARY</p> <p>NO COPIES SHALL BE MADE OR DISTRIBUTED WITHOUT APPROVAL OF THIS SURVEYOR</p> <p>OREGON January 9, 2007 CHRISTOPHER JAY MOORHEAD 61380LS RENEWAL DATE: DECEMBER 31, 2024</p>	<p>Chris Moorhead</p> <p>LAND SURVEYING 38702 CAMP CREEK ROAD SPRINGFIELD, OR 97478 (541) 228-7193 sppam@hotmail.com licensed PLS and CWRE</p>	
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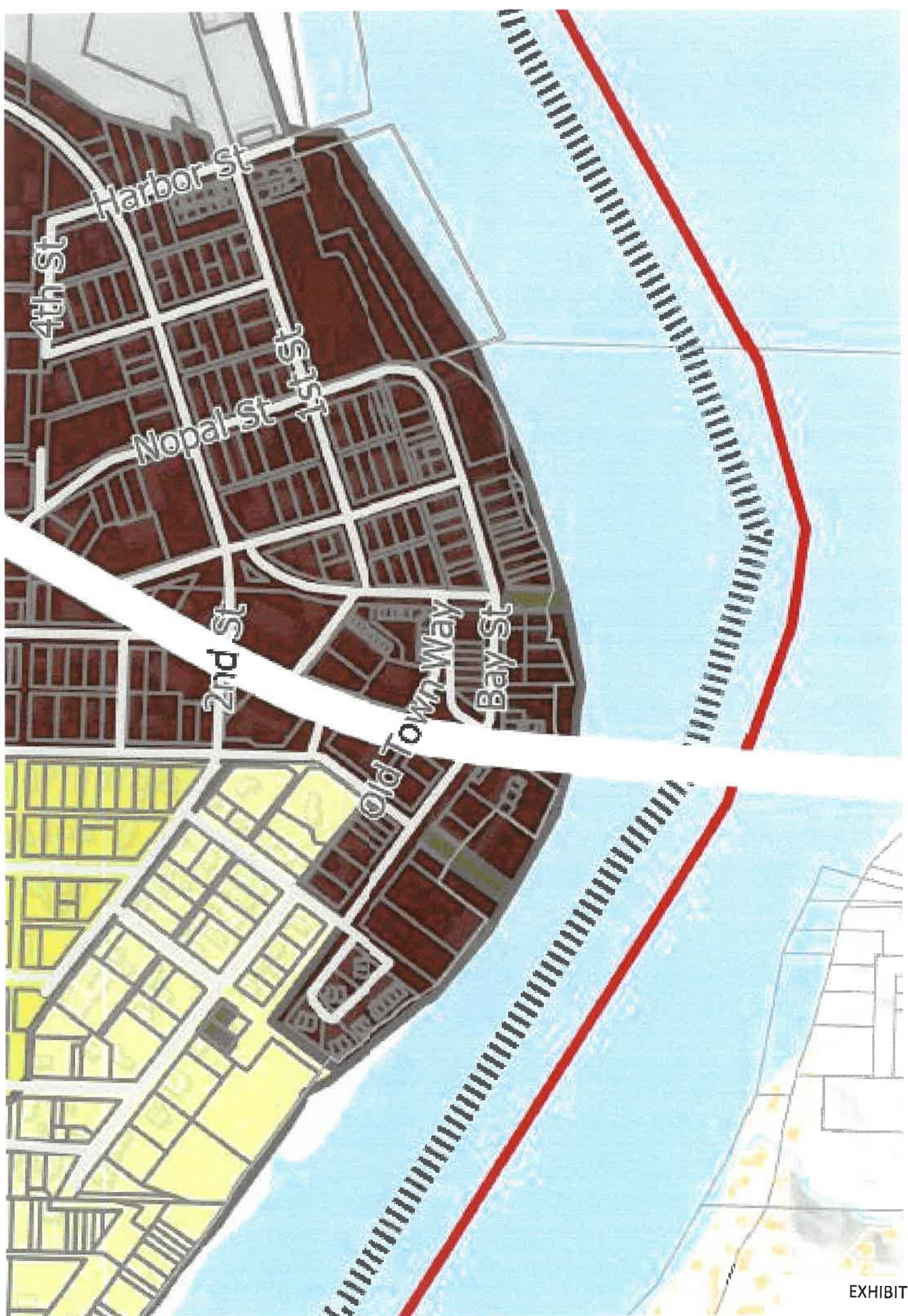
The information on this map was derived from digital databases on the Lane County GIS. Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



Lane County GIS, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, USGS, EPA, USDA

Site map

Lane County, Oregon



18123412
FLORENCE

N.W.1/4 N.E.1/4 SEC.34 T.18S. R.12W. W.M.
Lane County

FOR ASSESSMENT AND
TAXATION ONLY

GIS DATA
3/28/2011 1:25:18 PM : kcal/cg

CANCELLED:

7200
7300
7400
7500
7600
100
3201
3901
8200
8201

REVIEWS:
12/17/2008 - LCAT1165 - ILLA BETWEEN 5900 & 5800
11/16/2008 - LCAT1130 - CONVERT MAP TO GIS
2/8/2007 - LCAT130 - FLUR REN
3/5/2008 - LCAT130 - CANC. 7300, 7300, 7500, & 7600 INTO
3/5/2008 - LCAT130 - STILLWATER CANC.
3/5/2007 - LCAT143 - ILLA BETWEEN 8900 & 8100
8/4/2010 - LCAT1714 - ILLA BETWEEN TL 8000 & 8100

FLORENCE
18123412

EXHIBIT H

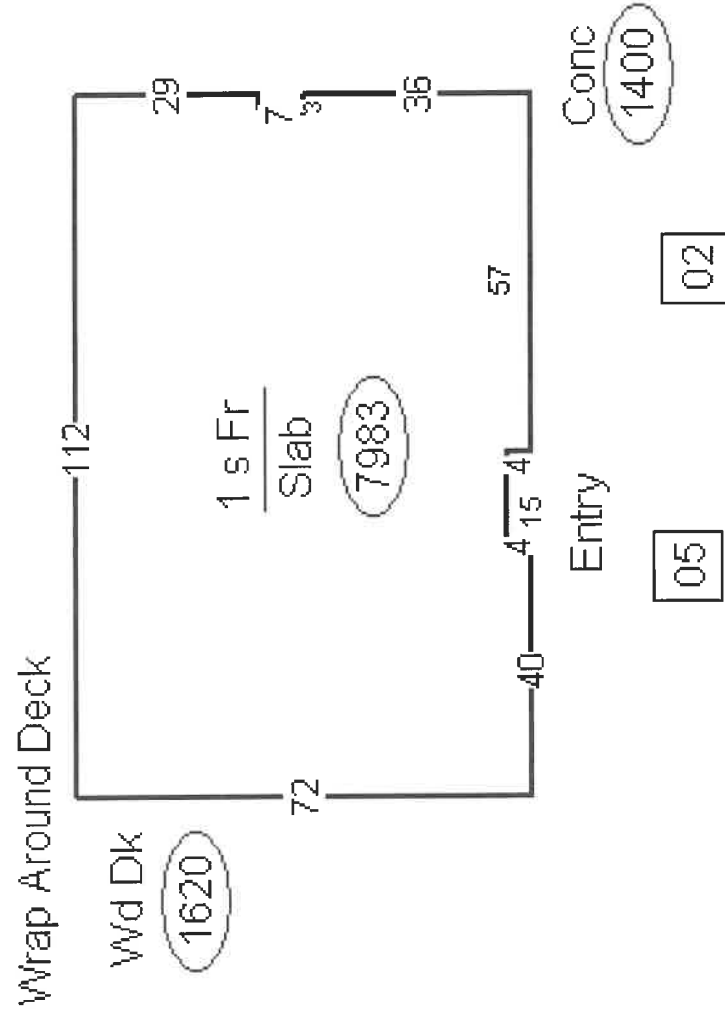
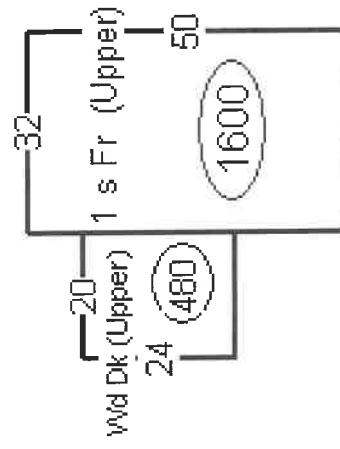


EXHIBIT I

0803716 C01

9582 Total s.f.

1150 Bay Street Florence



Detailed Property Report

Site Address 1150 Bay St Florence, OR 97439-9350	Property Owner 1
Map & Taxlot# 18-12-34-12-08000	A & D Bay Street LLC
SIC N/A	1355 Oak St Ste 200
Tax Account# 0803716	Eugene, OR 97401
	Tax account acreage 0.90
	Mapped taxlot acreage [†] 0.90

[†] Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Map & Taxlot # 18-12-34-12-08000



Business Information

RLID does not contain any business data for this address

Improvements

Photos & Sketches for Tax AccountAerial view of the property and a sketch of the building.

Building Part: C01	
Floor Number	1
Occupancy Description	Restaurant
Use Description	Restaurant
Year Built	1988
Effective Year Built	1988
Grade	5
Wall Height Ft	12
Sq Ft	8043
Fireproof Steel Sq Ft	0
Reinforced Concrete Sq Ft	0
Fire Resistant Sq Ft	0
Wood Joist Sq Ft	8043
Pole Frame Sq Ft	0
Pre-engineered Steel Sq Ft	0

Building Part: C01	
Floor Number	2
Occupancy Description	Restaurant
Use Description	Restaurant
Year Built	1988
Effective Year Built	1988
Grade	5
Wall Height Ft	8
Sq Ft	1600
Fireproof Steel Sq Ft	0
Reinforced Concrete Sq Ft	0
Fire Resistant Sq Ft	0
Wood Joist Sq Ft	1600
Pole Frame Sq Ft	0
Pre-engineered Steel Sq Ft	0

Commercial Sales Data

Image	Sale Date
0803716.pdf	01/25/2005

Commercial Appraisal Card[1812341208000](#)

Site Address Information

1150 Bay St
Florence, OR 97439-9350

House #	1150	Suffix	N/A	Pre-directional	N/A
Street Name	Bay	Street Type	St	Unit type / #	N/A
Mail City	Florence	State	OR	Zip Code	97439
Zip + 4	9350				

Land Use 5810 Eating Places (Food & Both Food & Alcoholic Beverages)
USPS Carrier Route N/A

General Taxlot Characteristics

Geographic Coordinates

X 3970947 Y 858674 (State Plane X,Y)
Latitude 43.9665 Longitude -124.1105

Zoning

Zoning Jurisdiction Florence
Florence

Parent Zone OTDA Old Town District/Area A

Land Use

General Land Use

Code	Description
data not available	data not available

Detailed Land Use

Code	Description
data not available	data not available

Taxlot Characteristics

Incorporated City Limits	Florence
Urban Growth Boundary	Florence
Year Annexed	N/A
Annexation #	N/A
Approximate Taxlot Acreage	0.90
Approx Taxlot Sq Footage	39,204
Plan Designation	Downtown District
Eugene Neighborhood	N/A
Metro Area Nodal Dev Area	No
Septic	data not available
Well	data not available
Landscaping Quality	data not available
Historic Property Name	N/A
City Historic Landmark?	No
National Historical Register?	No

Service Providers

Fire Protection Provider Siuslaw Valley Fire & Rescue
Ambulance Provider Western Lane Ambulance District
Ambulance District WE
Ambulance Service Area Western
LTD Service Area? No
LTD Ride Source? No

Environmental Data

FEMA Flood Hazard Zone

Code Description

X Areas determined to be outside of 500-year flood.
AE Areas of 100-year flood, base flood elevations determined.

FIRM Map Number 41039C1428G
Community Number 039C
Post-FIRM Date data not available
Panel Printed? Yes

Soils

Soil Map Unit#	Soil Type Description	% of Taxlot Ag Class	Hydric %
133C	Waldport-Urban Land Complex, 0 to 12 Percent Slopes	87%	6 5
W	Water	13%	8 0

Schools

	Code	Name
School District	97J	Siuslaw
Elementary School	609	Siuslaw
Middle School	608	Siuslaw
High School	610	Siuslaw

Political Districts

Election Precinct	4600	State Representative District	9	Emerald PUD Board Zone	N/A
City Council Ward	N/A	State Representative	Boomer Wright	Heceta PUD Board Zone	N/A
City Councilor	N/A	State Senate District	5	Central Lincoln PUD Board Zone	4
County Commissioner District	1 (West Lane)	State Senator	Dick Anderson	Soil Water Cons. Dist/Zone	Siuslaw / 1
County Commissioner	Ryan Ceniga			Creswell Water Control District	No
EWEB Commissioner	N/A				
LCC Board Zone	1				
Lane ESD Board Zone	4				

Census Information

Census data have been removed from this report. To obtain Census data, please visit www.census.gov. For questions or concerns, please contact support@rlid.org.

Liens

None. RLID displays liens issued by Cottage Grove, Florence, and Springfield Utility Board. Additional liens can be found in Deeds and Records.

Building Permits

Please check the [State of Oregon ePermitting System](#).

Land Use Applications

RLID does not contain any landuse application data for this jurisdiction

Petitions

RLID does not contain any petition data for this jurisdiction

Tax Statements & Tax Receipts

Account#: 0803716

View tax statement(s) for: [2023 2022](#)

Tax Receipts

Receipt Date	Amount Received	Tax	Discount	Interest	Applied Amount
11/15/2023	\$4,408.46	\$4,408.46	\$136.34	\$0.00	\$4,544.80
11/15/2022	\$4,188.97	\$4,188.97	\$129.56	\$0.00	\$4,318.53
11/15/2021	\$3,167.20	\$3,167.20	\$97.95	\$0.00	\$3,265.15
11/16/2020	\$3,111.99	\$3,111.99	\$96.25	\$0.00	\$3,208.24
11/14/2019	\$3,084.60	\$3,084.60	\$95.40	\$0.00	\$3,180.00

Data source: Lane County Assessment and Taxation

Owner/Taxpayer**Owners**

Owner	Address	City/State/Zip
A & D Bay Street LLC	1355 Oak St Ste 200	Eugene, OR 97401

Taxpayer

Party Name	Address	City/State/Zip
A & D Bay Street LLC	1355 Oak St Ste 200	Eugene, OR 97401

Data source: Lane County Assessment and Taxation

Account Status

Status Active Account Current Tax Year

Account Status	none
Remarks	none
Special Assessment Program	N/A

Data source: Lane County Assessment and Taxation

General Tax Account Information

Tax Account Acreage	0.90
Fire Acres	N/A
Property Class	206 - Commercial, waterfront
Statistical Class	446 - Restaurant (dining)
Neighborhood	89701 - Bay Front
Category	Land and Improvements

Data source: Lane County Assessment and Taxation

Township-Range-Section / Subdivision Data

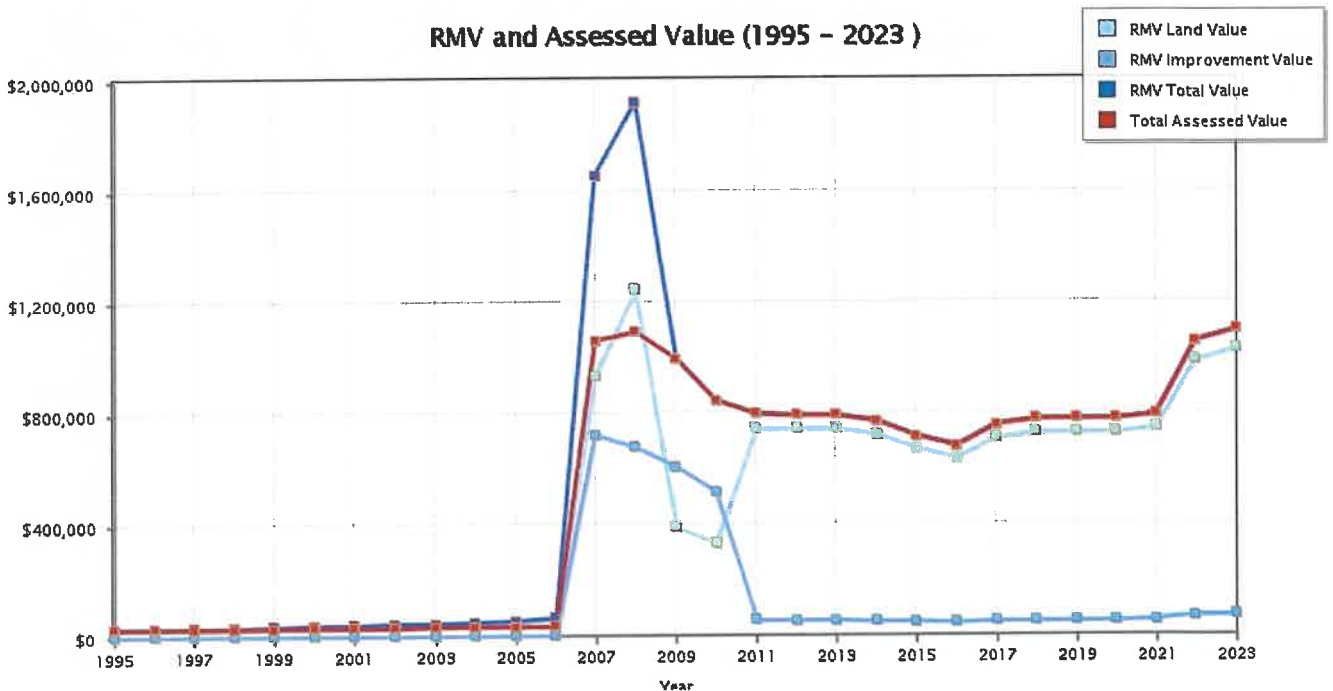
Subdivision Type	N/A	Subdivision Name	N/A	Subdivision Number	N/A
Phase	N/A	Lot/Tract/Unit #	TL 08000	Recording Number	N/A

Data source: Lane County Assessment and Taxation

Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

Real Market Value (RMV)				Total Assessed Value	Tax
Year	Land	Improvement	Total		
2023	\$1,028,323	\$69,877	\$1,098,200	\$1,098,200	\$4,544.80
2022	\$988,773	\$67,192	\$1,055,965	\$1,055,965	\$4,318.53
2021	\$743,439	\$50,522	\$793,961	\$793,961	\$3,265.15
2020	\$728,863	\$49,533	\$778,396	\$778,396	\$3,208.24
2019	\$728,863	\$49,533	\$778,396	\$778,396	\$3,180.00
2018	\$728,863	\$49,533	\$778,396	\$778,396	\$3,281.53
2017	\$707,635	\$48,093	\$755,728	\$755,728	\$3,158.79
2016	\$637,510	\$43,330	\$680,840	\$680,840	\$2,842.11
2015	\$671,064	\$45,613	\$716,677	\$716,677	\$3,014.00
2014	\$721,575	\$49,049	\$770,624	\$770,624	\$10,744.35
2013	\$743,893	\$50,568	\$794,461	\$794,461	\$11,008.06
2012	\$743,893	\$50,568	\$794,461	\$794,461	\$10,221.84
2011	\$743,893	\$54,965	\$798,858	\$798,858	\$10,126.82
2010	\$330,450	\$515,840	\$846,290	\$846,290	\$10,453.89
2009	\$388,760	\$606,880	\$995,640	\$995,640	\$12,351.61
2008	\$1,243,284	\$679,070	\$1,922,354	\$1,092,720	\$13,315.23
2007	\$934,800	\$722,420	\$1,657,220	\$1,060,893	\$12,753.42
2006	\$64,137	\$0	\$64,137	\$33,479	\$10,767.49
2005	\$50,717	\$0	\$50,717	\$32,504	\$ 400.26
2004	\$46,107	\$0	\$46,107	\$31,557	\$ 391.69
2003	\$41,167	\$0	\$41,167	\$30,638	\$ 381.58
2002	\$40,760	\$0	\$40,760	\$29,746	\$ 374.55
2001	\$39,961	\$0	\$39,961	\$28,880	\$ 366.49
2000	\$35,680	\$0	\$35,680	\$28,039	\$ 361.43
1999	\$33,980	\$0	\$33,980	\$27,222	\$ 360.31
1998	\$28,800	\$0	\$28,800	\$26,429	\$ 322.68
1997	\$28,800	\$0	\$28,800	\$25,659	\$ 311.50
1996	\$28,510	\$0	\$28,510	\$28,510	\$ 333.50
1995	\$28,510	\$0	\$28,510	\$28,510	\$ 340.58

RMV and Assessed Value (1995 - 2023)

Current Year Assessed Value \$1,098,200
 Less Exemption Amount * (\$760,613)
 Taxable Value \$337,587

*Frozen Assessed Value

Exemption Type Cities and Towns Leased

Data source: Lane County Assessment and Taxation






Tax Code Area & Taxing Districts

Tax Code Area (Levy Code) for current tax year 09709
Taxing Districts for TCA 09709
Central Lincoln PUD
City of Florence
Lane Community College
Lane County
Lane Education Service District
Port of Siuslaw
Siuslaw Public Library District
Siuslaw School District 97J
Siuslaw Valley Fire & Rescue
Urban Renewal Agency of City of Florence
Western Lane Ambulance District

****NOTE** Lane County Assessment and Taxation Tax Code Area & Taxing Districts reflect the current certified year. The **Billing Rate Document** may still reference the prior year's rates and details until we receive the current report from Lane County.

Data source: Lane County Assessment and Taxation

Sales & Ownership Changes

Sale Date	Sale Price	Doc #	Image	Analysis Code	Multiple Accts?	Grantor(s)	Grantee(s)
01/20/2011	\$303,000	2011-3503		U	No	Oregon Pacific Banking Co	A & D Bay Street LLC
04/24/2009	\$2,103,631	2009-22032		B	Yes	Wade Patrick W	Oregon Pacific Banking Co
11/11/2008	\$0	2008-68427		A	Yes	1150 Bay Street LLC	Oregon Pacific Banking Co
01/25/2005	\$2,650,000	2005-8067		K	Yes	Chiou Hong Shiou & Hsueh Mei	1150 Bay Street LLC
04/14/1994	\$0	1994-28259		S	data not available	Chiou, Hong Shiou	data not available

Data source: Lane County Assessment and Taxation



TITLE NO. 0268134 JS
ESCROW NO. EU10-2121
TAX ACCT. NO. 0803716
MAP/TAX LOT NO. 18 12 34 1 2, #8000

Division of Chief Deputy Clerk
Lane County Deeds and Records

2011-003503



\$62.00

01200968201100035030010012

01/21/2011 01:49:05 PM

RPR-DEED Cnt=1 Stn=8 CASHIER 02
\$5.00 \$20.00 \$11.00 \$16.00 \$10.00

BARGAIN AND SALE DEED

OREGON PACIFIC BANKING COMPANY, Grantor,
conveys to
A & D BAY STREET, LLC, an Oregon Limited Liability Company, Grantee

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of LANE, State of Oregon, described as follows, to-wit:

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration for this conveyance is \$303,000.00.

Dated this 20th day of January, 2011.

OREGON PACIFIC BANKING COMPANY

BY: Ronald S. Green
RONALD S. GREEN, Executive Vice President,
Chief Credit Officer

State of Oregon
County of Lane

This instrument was acknowledged before me on January 20, 2011 by OREGON PACIFIC BANKING COMPANY by RONALD S. GREEN, Executive Vice President, Chief Credit Officer.

Janice Marie Stoerck
(Notary Public for Oregon)
My commission expires 12/14/12

OREGON PACIFIC BANKING CO.
PO BOX 22000
FLORENCE, OR 97439
GRANTOR'S NAME AND ADDRESS

Until a change is requested
all tax statements shall be
sent to the following address:
SAME AS GRANTEE

A & D BAY STREET, LLC
1355 OAK STREET, SUITE 200
EUGENE, OR 97401
GRANTEE'S NAME AND ADDRESS

After recording return to:
CASCADE TITLE CO.
811 WILLAMETTE
EUGENE, OR 97401



Commercial Appraisal Cards

Lane County Assessment and Taxation

Print Date: Jul 19, 2024



In preparation of these records, every effort has been made to offer the most current, correct, and clearly expressed information possible. Nevertheless, inadvertent errors in information may occur. In particular but without limiting anything here, Lane County disclaims any responsibility for typographical errors and accuracy of this information. The information and data included on Lane County servers have been compiled by Lane County staff from a variety of sources, and are subject to change without notice to the User. Lane County makes no warranties or representations whatsoever regarding the quality, content, completeness, suitability, adequacy, sequence, accuracy, or timeliness of such information and data.

Historical Document: Information contained in the following document is historical in nature and may not be current.

Map & Tax Lot 1812341208000
Status Active

Current Parcel/Account
0803716

Type
Commercial Appraisal Card

Archive Date
02/26/2012

18-12-34-1-2

8000

97-00

803716

LAND APPRAISAL

ACCT. No. _____

CODE No. _____

RECORD OF APPRAISAL

ORS 309.234

BAY BRIDGE DEVELOPMENT
29476 AIRPORT RD
EUGENE OR

97402

803716

18 12 34 12-08000
CLS 210 0000 CY 6 ACRES97-00
0.00**SEE PROVAL**

SUB TOTAL "A"	\$	10800
INCREMENTS TO LAND "B"	\$	18000
GROSS LAND VALUE "A" + "B"	\$	
SITE ADJUSTMENTS <u>-75</u> %	\$	(8100)
TOTAL APPRAISED VALUE	\$	27000 18000
APPR. BY <u>222 255</u>	DATE <u>7-17-80</u>	19 <u>80</u>

MARKET DATA

REMARKS:

PURCHASE PRICE \$

DATE

DEED TYPE

CONTRACT

TRADE

RENT

LISTING

075M #6922 .40 ac from A 803924

ZONING

COMPUTATION

RESIDENTIAL	DIMENSIONS OR ACRES	LAND CLASS	BASIC UNIT VALUE	ADJUSTMENT FACTORS	ADJUSTED UNIT VALUE	TOTAL VALUE
MULTI-FAMILY						
COMMERCIAL	18900		600/2.1			10800
NEIGHBORHOOD COM'L	18900					
LT. INDUSTRIAL	18 FF	WF	1000 FF		1000	18000
HVY. INDUSTRIAL						
AGRICULTURAL						
WATER FRONT	.51 ac					
AREA IMPROVEMENTS						
SIDEWALKS						
CURBS	X					
STREET	X					
WATER	X					
SEWERS	X					
ELECTRICITY	X					
SITE ADJUSTMENTS %						
ROAD TYPE DGP						
MI. TO ALL WTHR. RD.						
MI. TO MKT. CENTER						
TOPOGRAPHY						
VIEW						
STANDARD DEPTH	FEET		← TOTAL ACRES	SUB TOTAL		18000
STANDARD DEPTH	150	.51		(TRANSFER TO VALUE SUMMARY)		10800
EFFECTIVE DEPTH		222	DATE 12/12/79	CHECKED 3-67		
		COMPUTER	DATE	CHECKED		DATE

COMMERCIAL IMPROVEMENT APPRAISAL

CODE AREA

18-12-34-12 8100 8000
97-00 80374 80371

T.L. NO.

RECORD OF LAST APPRAISAL ORS 308 234

APPROVAL DATE 2-2-82 VALUE 510770

RECORD OF ADJUSTMENTS

DATE 11-1-82 VALUE 66080

BY DATE 11-1-82 VALUE 100000

18-12-34-12-08000

DATE OF SALE 11-1-82

0803716

ALLOCATION (BY: OWNER) APPR

LAND P.P. IMP.

INTERIOR INSPECTED: YES NO

PERSON CONTACTED OWNER

NEIGHBORHOOD CHARACTERISTICS

USE TYPE TREND DEVELOP. STATIC DECLIN. TRANS.

METAL OFFICE MULTIFAM. WHOLESALE INDUSTRIAL

USE TYPE TREND DEVELOP. STATIC DECLIN. TRANS.

METAL OFFICE MULTIFAM. WHOLESALE INDUSTRIAL

USE TYPE TREND DEVELOP. STATIC DECLIN. TRANS.

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USE TYPE TREND DEVELOP. STATIC DECLIN. TRANS.

METAL OFFICE MULTIFAM. WHOLESALE INDUSTRIAL

USE TYPE TREND DEVELOP. STATIC DECLIN. TRANS.

INCOME APPROACH				BUILDING RESIDUAL			
INCOME SCHEDULE				OPERATING EXPENSE SCHEDULE			
FLOOR	TENANT	BUSINESS	PER MONTH	PER YEAR	ANNUAL INCOME	INSURANCE	REPAIRS
4043.8	102	8040	8040	96480	96480		
1230.250		800	800	9600	9600		
TRIPLE NET							
TOTAL ECONOMIC GROSS INCOME \$ 106080				TOTAL (A) \$ 106080			
SELECTION OF RATES:				ECONOMIC GROSS INCOME \$ 106080			
INT. % RECAP % TAXES %				VACANCY % = 5300			
				EFFECTIVE GROSS INCOME \$ 100780			
EXPENSES							
MANAGEMENT %							
CHARGES TO PER. PROPERTY %							
CHARGES TO LAND %							
TOTAL EXPENSES \$ 5040							
NET INCOME IMPUTABLE TO BUILDING \$ 95740							
INDICATED BUILDING VALUE \$ 791830							
NET INCOME \$ 95740							
DATE 3-17-92							
MARKET DATA APPROACH							
COMPARISON							
SELECTION OF UNIT:	UNIT	TYPE	GROSS RENT MULTIPLIER				
SELECTION OF GRM:							
COMPUTATIONS:							
GROSS INCOME \$							
LESS PER. PROPERTY VALUE							
LESS LAND VALUE							
INDICATED BUILDING VALUE							
REMARKS:							
APPRaiser 555							
DATE 3-17-92							
MARKET DATA APPROACH							
COMPARISON							
SELECTION OF UNIT:	UNIT	TYPE	GROSS RENT MULTIPLIER				
SELECTION OF GRM:							
COMPUTATIONS:							
GROSS INCOME \$							
LESS PER. PROPERTY VALUE							
LESS LAND VALUE							
INDICATED BUILDING VALUE							
REMARKS:							
APPRaiser 555							
DATE 3-17-92							

MURKEL OLSEN & SONS
30714 E CAMAS SWALE RD
CRESWELL UK SEE PROVAL 51-26

375103
17 12 4 501
CLS 710 6Y 3 ALKES
5-90

Page 51 of 446

PROPERTY CHARACTERISTICS

USE

BUILDING

GROUP

TYPE

CLASS

SEWER

ELEC

GAS

PARKING

UNDER IMP.

OVER IMP.

PROPER IMP.

MARGINAL

HIGHEST AND BEST USE

ZONING: W/F

REMARKS:

SUMMARY OF APPROACHES

INCOME

BUILDING VALUE

OTHER IMPS

TOTAL IMPROVEMENT VALUE

MARKET

BUILDING VALUE

OTHER IMPS

TOTAL IMPROVEMENT VALUE

MARKET

BUILDING VALUE

OTHER IMPS

TOTAL IMPROVEMENT VALUE

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BUILDING VALUE

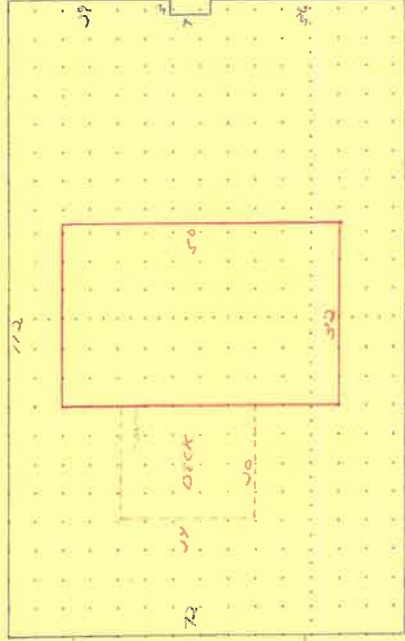
OTHER IMPS

TOTAL IMPROVEMENT VALUE

COST APPROACH

SEE PROVAL

Die Verdampfung des Deck



4488

Year	Entry
1890	1890
1891	1891
1892	1892
1893	1893
1894	1894
1895	1895
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2073	2073
2074	

$$\begin{aligned} 1150 \times 2 &= 2300 \\ - 300 &= 2000 \\ \hline 2000 &= 2000 \end{aligned}$$

YARD AND MISCELLANEOUS IMPROVEMENTS									
ITEM	UNIT COST	NO. OR AREA	BASE COST	% QUAL INDEX	REPL. COST	% GOOD	DEFREC. REPL. COST		
Gravel Parking - 2000	1.00	2000	2000		1500	75%	2500		
Yard Gravel	1.00	5	5		1000	100%	5000		
Concrete Walks	1.50	1500	1500		1500	100%	2000		
Duckling - Ramps	5.50	1000	4		1500	70%	1550		
							7.95		
							45360		45360
									42750
TOTAL DEPRECIATED REPLACEMENT COST (TRANSFER TO SUMMARY): \$									

GROUP	GROUND FLOOR AREA	AVE. SIZE	TYPE	CLASS	BASE FACTOR	LUMP SUM
UNITS	ADJ. FACTORS	ADJ. FACTORS	ADJ. FACTORS	ADJ. FACTORS	ADJ. FACTORS	ADJ. FACTORS
FOUNDATION	8043	8043	8043	8043	8043	8043
FACTOR BOOK	8043	8043	8043	8043	8043	8043
FOUNDATION	8043	8043	8043	8043	8043	8043
FRAME	8043	8043	8043	8043	8043	8043
EXTERIOR WALL	8043	8043	8043	8043	8043	8043
FLOOR	8043	8043	8043	8043	8043	8043
PARTITIONS	8043	8043	8043	8043	8043	8043
INTERIOR COMPONENTS	8043	8043	8043	8043	8043	8043
ELECTRICAL	8043	8043	8043	8043	8043	8043
PLUMBING	8043	8043	8043	8043	8043	8043
HEATING-COOLING	8043	8043	8043	8043	8043	8043
BASEMENT	8043	8043	8043	8043	8043	8043
UPPER STORIES	8043	8043	8043	8043	8043	8043
EXT. COMP.	8043	8043	8043	8043	8043	8043
MISC. ADDITIONS	8043	8043	8043	8043	8043	8043
BUILT IN	8043	8043	8043	8043	8043	8043
REMOD. 19	8043	8043	8043	8043	8043	8043
EFFECTIVE AGE	8043	8043	8043	8043	8043	8043
REMARKS:	8043	8043	8043	8043	8043	8043
TOTAL BASE COST \$ 64810 REPLACEMENT COST NEW \$ 64810 DEPRECIATION % 50 DEPRECIATED REPLACEMENT COST \$ 32405						50 FT UNITS X = 5

DATE 3-7-87 115-65-6

Real Property Tax Lot Record

Lane County Assessment and Taxation

Print Date: Jul 19, 2024



In preparation of these records, every effort has been made to offer the most current, correct, and clearly expressed information possible. Nevertheless, inadvertent errors in information may occur. In particular but without limiting anything here, Lane County disclaims any responsibility for typographical errors and accuracy of this information. The information and data included on Lane County servers have been compiled by Lane County staff from a variety of sources, and are subject to change without notice to the User. Lane County makes no warranties or representations whatsoever regarding the quality, content, completeness, suitability, adequacy, sequence, accuracy, or timeliness of such information and data.

The legal descriptions contained herein are for tax lot purposes only.

Included in this report:

- 1. A listing of documents affecting ownership and/or property boundary changes.
- 2. The scanned tax lot record image and any legal description changes made since .

Map & Tax Lot 1812341208000		Current Parcel/Account		Current TCA
Status	Active	0803716		09709
Document #	Type	Date	Effective Year	Tax Lot Acres
	Description Card			0.90

Comments:

PARCEL RECORD - Cartographic Unit

0803716

Page 1 of

Code Area	Township	Range	Section	%	1/16	Parcel Number	Type	Number	Formerly part of
18	12	34	1	2	08000				

Map Number		Tax Lot Number	
18	12	34	1
08000		08000	

Previous Account Number	History of Parcel Prior to Re-mapping	Previous Tax Lot Number	Special Interest
12729-1	OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON	08000	

MAP NO.	TAX LOT NO.	SECTION	TOWNSHIP	RANGE	W.M.	AERIAL PHOTO
18	12	34	1	2	12W	

LOT NO.	BLOCK NO.	ADDITION	FLORENCE	CITY	DEED RECORD DATE OF ENTRY	DEED NUMBER	ACRES REMAINING
1	2				1958	25673	
<p>The East 20.0 feet of lot 3 in Block 2 of the Town of Florence as platted and recorded on page 181 of Volume T, Lane County Oregon Deed Records in Lane County, Oregon; thence Northwest 1/4 of said lot; thence</p> <p>Beginning at the most Easterly corner of Lot 3; Block 2, Town of Florence, as platted and recorded in Book T, Page 181, Lane County Oregon Deed Records, in Lane County, Oregon; thence Northwest 1/4 of said lot; thence</p> <p>Southwesterly parallel with the E 1/4 line of said lot 2 to the right bank of the Siuslaw River; thence Upstream along said bank to the E 1/4 line of said lot; thence</p> <p>N 1/4 along said line to the place of beginning in Lane County, Oregon.</p>							
					1965	R233/41838	
					1971	R522/38945	*
					1974	R700/32080	
					1978	R905/26889	*
						/26890	*
						/26891	*
					1978	R905/26893	*
					1978	R922/46570	*
					1980	R1068/19581	*
					1986	R1411/8627757	*
					1994 AS	21943/9438259	
					2005	2005-00386	
							0.67
							0.51
							0.52

EXCEPTIONS/ADDITIONS	DATE OF ENTRY/ACQUISITION	VOLUME	PAGE	ACRES REMAINING
New Description	2007 LLA	2006	064121	0.52
AC CORR BY GIS for 2011	2009 DE	2008	068427	
ALSO: 0.20 ac from TL 08001 by 2010-036009 for 2011 contains m/l				0.90
NEW DESCRIPTION EXC C 2011 LLA	2010	036009		
	2011 BS	2011	003503	

REMARKS
<p>Ac correction by LLA deed for 2007</p> <p>ALSO 0.56 ac from TL 08100 for 2007 by 2006-064119, Contains m/l</p> <p>EXCEPT 0.16 ac out to TL 08100 for 2007 by 2006-064120, Contains m/l</p> <p>ALSO 0.01 ac from TL 08100 for 2007 by 2006-064121, Contains m/l</p>

CANCELLED

CANCELLED - 2007

*Description does not read like the above but however is included therein.

2006-064121

CANCELLED

EXHIBIT "B"
PROPERTY 2

Beginning at the Northwest corner of Lot 10, Block 2 of the Original Plat of Florence, as platted and recorded in Volume T, Page 181, Lane County, Oregon Plat Records; Thence East along the North line of said Block 2, a distance of 175.00 feet to the True Point of Beginning; Thence South and parallel with the East line of Lot 5, a distance of 104.00; Thence West and parallel with the North line of said Block 2, a distance of 62.00; Thence South and parallel with the East line of said Lot 7, a distance of 126.00 feet more or less to the mean high water line of the Siuslaw River; Thence Easterly along said line 127.00 feet more or less to the East line of Lot 3 of said Block 2; Thence North along said East line 230.00 feet to the North line of said Block 2; Thence West along said North line 65.00 feet to the True Point of Beginning.

Containing 0.51 acres more or less.

CANCELLED - 201.1

2010-036009

EXHIBIT C

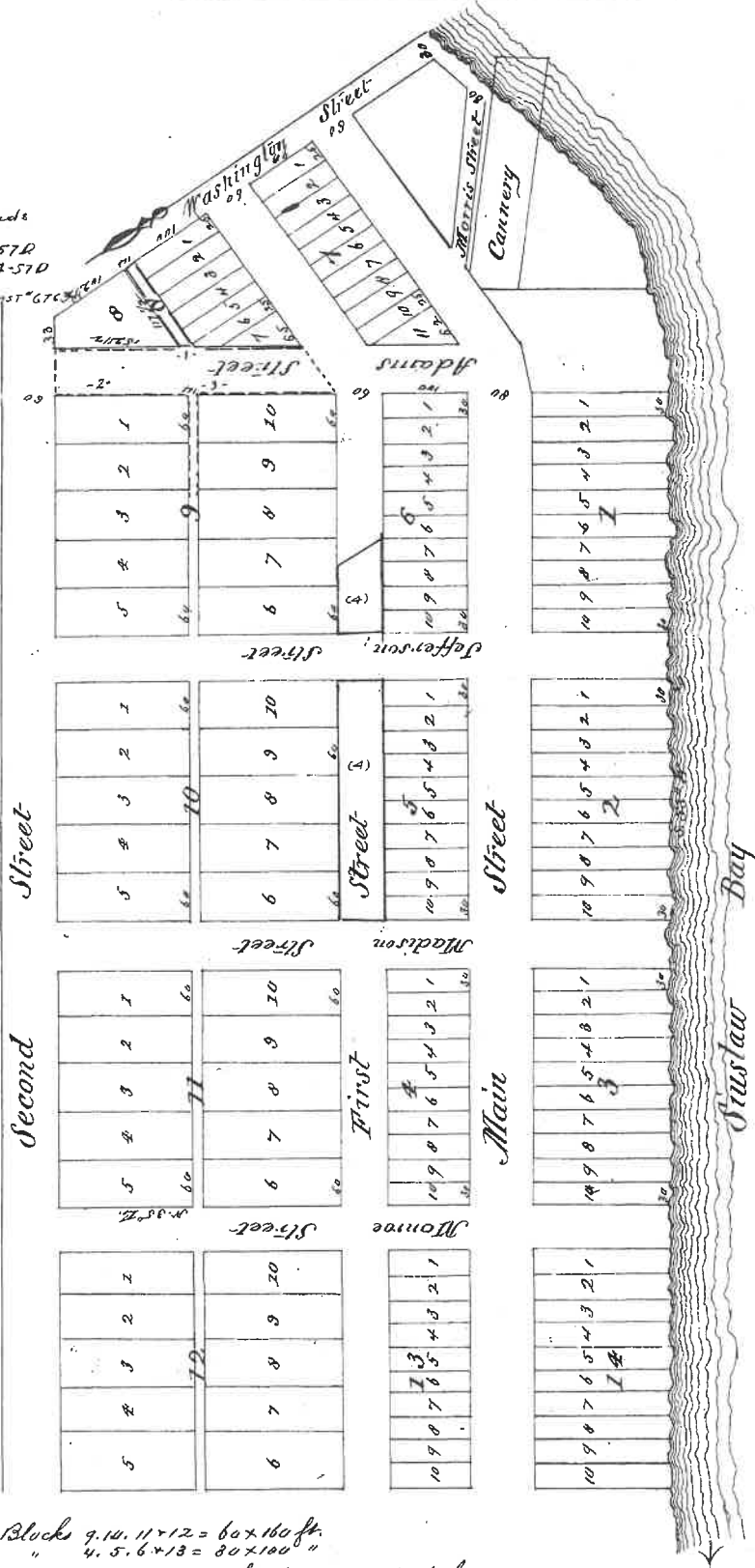
(Legal Description of Post-Boundary Adjustment Tract 2)

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

18-12-34-12-08000
0803716
Pg 2

Florence - Lane County, Oregon.

Vacated Sec. 16 331
Page 129-30 Lane Co. Dred. Records
Vacated Sec. #3674, R 93-57D
Vacated Sec. #21634, R 104-57D
Vacated Sec. 12 1930 - 1st 676 3/4



Lots in Blocks 9, 10, 11 & 12 = 60 x 160 ft.
" " " 4, 5, 6 & 13 = 80 x 160 ft.
" " " 1, 2, 3 & 14 = 30 ft. wide extending to low water.
Alleys 14 ft. wide, Main St. Street of Adams St. 80 ft. wide.
Washington St. 30 ft. wide, All other streets 60 ft. wide.

Know all men by these presents, that J. W. Miller do hereby dedicate to the public the streets and alleys marked and described upon the annexed plat of the town of Florence, situated in lots 6 & 7 Sec. 34, 3, 18 S. R. 12 West in Lane County Oregon
Witness - W. R. McCormack - A. C. Woodward
State of Oregon
County of Baker

Gen. M. Miller

On this 6th day of June 1887 before me County Clerk in and for Lane County, Oregon, personally appeared the within named J. W. Miller to me personally known to be the identical person described in and who executed the foregoing declaration and acknowledged to me that he executed the same for the purpose therein named.
Recorded June 14th 1887.

Bay Bridge Marina

Marina Phone: 541-997-2406

1150 Bay Street,
Florence, OR 97439

SLIP INFORMATION:

Bay Bridge Marina is located at 1150 Bay Street in Florence, OR.

Bay Bridge Marina has not been reviewed by any members, be the first to review and rate this marina!

To contact the marina directly dial 541-997-2406.

Cruising in Florence is an activity throughout all of Oregon.

General Information

Photos

Charts

AMENITIES

RATES / POLICIES

Rates

This Marina has not submitted rate info.

Policies

There are no marina policies listed for this marina.

ADDITIONAL INFORMATION

■ Latitude: 43.96652

■ Longitude: -124.10875

Photos of Site



Front (north) side of existing building on TL 8000.



Front side of existing building on TL 8000 looking westward. Shows foundation wall.

West side of building. Shows foundation sea wall and deck support structure.



West side of building.
Shows foundation sea
wall and deck support
structure.

Facing west. TL
8000/8100. Sea wall.



Facing west. TL
8000/8100. Sea wall.

Photo taken looking
across TL 8100 to
residential
development to the
west.



Photo taken at east edge of TL 8000, facing east. East lot line sea wall can be seen.

Photo taken at east edge of TL 8000, facing east. East lot line sea wall can be seen.

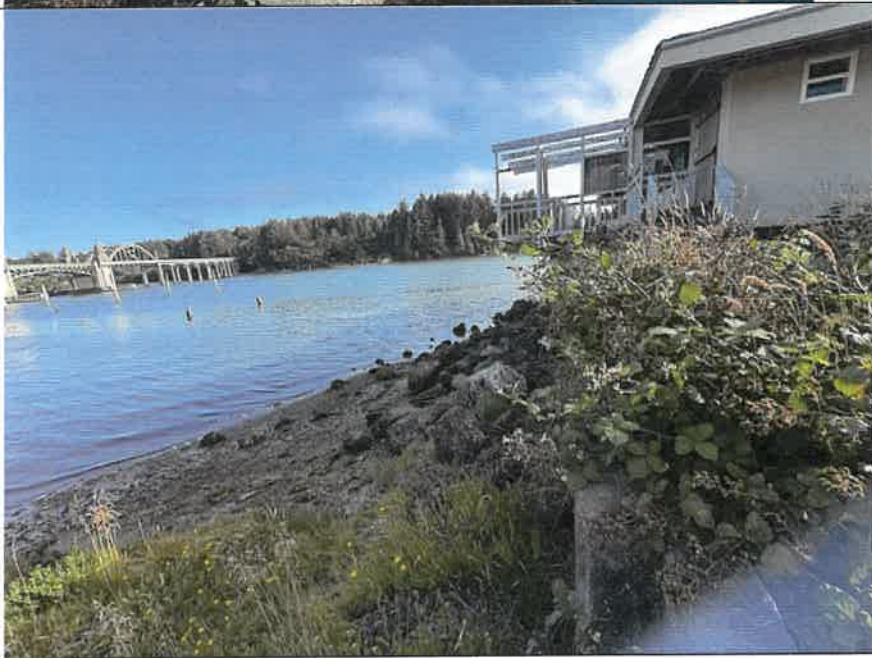


Photo taken standing
on east lot line sea wall
facing south towards
inlet.

East side of building



ORDINANCE NO. 7, SERIES 2004**AN ORDINANCE AMENDING THE SIUSLAW RIVER DREDGED MATERIAL DISPOSAL PLAN**

WHEREAS, the City of Florence Comprehensive Plan 2000/2020 states that sites identified in the Siuslaw River Dredged Material Disposal Plan shall be retained until such time as the filling capacity has been reached, and

WHEREAS, a proposed amendment to remove sites from the Siuslaw River Dredged Material Disposal Plan was noticed to affected property owners and state agencies to allow interested parties an opportunity to comment, and

WHEREAS, dredged material disposal sites #15 and #16 have been developed and are agreed to be full for all intents and purposes by interested parties on the local and state level, and

WHEREAS, following public hearings held by the Planning Commission on February 10 and April 13, 2004, the Planning Commission forwarded a recommendation to the City Council to adopt an ordinance eliminating sites #15 and #16 from the Siuslaw River Dredged Material Plan; now therefore,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

An amendment of the Siuslaw River Dredged Material Disposal Plan removing sites #15 and #16 from the roster of usable sites is hereby adopted.

PASSED BY THE FLORENCE CITY COUNCIL this 17th day of May, 2004.

AYES: Councilors Braley, Burch Osbon and Mayor Burns

NAYES:

ABSTAIN: Councilor Brubaker

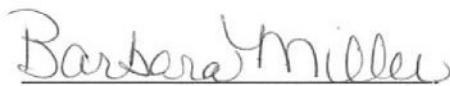
ABSENT:

APPROVED BY THE MAYOR this 17th day of May, 2004.



Alan Burns, Mayor

ATTEST:


Barbara Miller, City Recorder

CITY OF FLORENCE
Ordinance No. 10, Series 2009

**AN ORDINANCE ADOPTING AMENDMENTS TO THE FLORENCE REALIZATION
2020 COMPREHENSIVE PLAN ("COMPREHENSIVE PLAN") TEXT AND MAPS,
AND TO FLORENCE CITY CODE TEXT AND ZONING MAPS, TO COMPLETE
PERIODIC REVIEW WORK TASK 6: COASTAL ELEMENT, FOR COMPLIANCE
WITH STATEWIDE PLANNING GOALS 16, 17, AND 18.**

WHEREAS, the Florence City Council adopted the Realization 2020 Comprehensive Plan on January 14, 2002 and amended the Plan by Ordinances in 2002, 2003, 2004, 2006, 2007, and 2008;

WHEREAS, additional amendments to the Comprehensive Plan are necessary in order to comply with the 1995 City of Florence Periodic Review Work Program approved by the Oregon Department of Land Conservation and Development, and, specifically, to bring the Plan and implementing Code into full compliance with Statewide Planning Goal 16, Estuarine Resources; Goal 17, Coastal Shorelands; and Goal 18, Beaches and Dunes;

WHEREAS, the City sent a copy of the proposed Comprehensive Plan and Code Amendments to the Department of Land Conservation and Development, consistent with the requirements of Periodic Review; a joint City Council-Planning Commission public hearing was noticed in the Siuslaw News on May 30, 2009 and property owner notification sent in accordance with ORS 227.186;

WHEREAS, the Planning Commission and City Council held a joint public hearing on June 9, 2009;

WHEREAS, the Planning Commission deliberated at its meeting on July 28 and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a second public hearing on the proposed amendments on September 28, 2009; and all those providing testimony were mailed notice of the hearing and the hearing was posted to the City web site and advertised in the Siuslaw News;

WHEREAS, the City Council deliberated at its meeting on September 28, 2009 and found the proposed Comprehensive Plan and Code amendments consistent with applicable criteria in the Florence City Code, Oregon Revised Statutes and Administrative Rules, Statewide Planning Goals.

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

Section 1. Adoption of Findings of Fact in Exhibit A;

Section 2. Adoption of amendments to the Florence Realization 2020 Comprehensive Plan as shown in Exhibit B, including:

- a. Completely revised Comprehensive Plan Chapters 16, 17 and 18; new Definitions and text amendments to Introduction; and text amendments to Chapters 5 and 7
- b. New Comprehensive Plan Map 17-1: Estuary and Coastal Shorelands Management Units (Chapter 17)
- c. New Comprehensive Plan Map 18-1: Coastal Beaches and Dunes (Chapter 18)
- d. Updated Map 7-C: Natural Resources Conservation Service Soils Map (Appendix 7)
- e. Oregon Coastal Zone Management Association Report: *Beaches and Dunes Handbook for the Oregon Coast* (to be adopted as part of Appendix 18)

Section 3. Adoption of amendments to Florence City Code as shown in Exhibit C, including:

- a. Completely revised Florence City Code Title 10, Chapter 19, and text amendments to Chapters 1, 7, 18, and 24
- b. Revised City Zoning Map
- c. New Coastal Overlay Zoning Map

Section 4. Sections of the following Ordinances that specifically adopt the Coastal Resources Management Plan and the City Code sections cited are hereby repealed:

- a. Ordinance sections adopting and amending Florence City Code Chapter 19: Ordinance No. 625, Section 13: Estuary and Shorelands Overlay District, 6-30-80 and amended: Ord. No. 3, Series 1988; Ord. No. 19, Series 1988; Ord. No. 9, Series 1991; and Ord. No. 1, Series 1999 Code Section Title 10, Chapter 19: Estuary and Shorelands.
- b. Ordinances adopting and amending Florence City Code Chapter 7: No. 15, Series 1988
- c. Ordinances adopting and amending Florence City Code Chapter 24: Ordinance No. 6, Series 1996, Effective 7-3-96; Amended by Ord. No 1, Series 2008, Effective 2-4-08
- b. Ordinance sections adopting and amending the Lane County Coastal Resources Management Plan (CRMP) in Ord. No. 9, Series 2002; Ord. No. 6, Series 2004; and Ord. No. 6, Series 2008.

Section 5. This ordinance shall take effect on the thirtieth day after its enactment.

Passed by the Florence City Council this 28 day of SEPT, 2009.

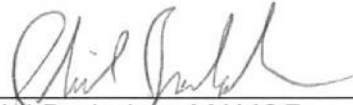
AYES: Councilors Franzen, Xavier, Burns, Roberts, Mayor Brubaker

NAYS:

ABSTAIN:

ABSENT:

APPROVED BY THE MAYOR, this 29 day of SEPT., 2009.



Phil Brubaker, MAYOR

ATTEST:



Pat Heinze, City Recorder

CITY OF FLORENCE
Ordinance No. 2, Series 2013

AN ORDINANCE FOR THE ADOPTION OF AMENDMENTS TO THE FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN ("COMPREHENSIVE PLAN") AND FLORENCE CITY CODE (FCC) FOR AQUIFER PROTECTION AND WETLANDS AND RIPARIAN CORRIDORS; AND FOR HOUSEKEEPING AND INTERNAL CONSISTENCY; AND ADOPTING A SEVERABILITY CLAUSE.

WHEREAS, Florence City Code (FCC) Title 10, Chapter 1, Section 1-3-B provides that a quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by motion of the City Council; and FCC 10-1-3-C provides that legislative changes to the Code or Comprehensive Plan may be initiated by a request of the Council to the Planning Commission that proposed changes be considered by the Commission and its recommendation returned to the Council;

WHEREAS, the City of Florence was awarded an EPA grant for the Siuslaw Estuary Partnership (EPA Cooperative Agreement #WC-00J04801-0) in 2009 and the EPA amended the work plan for the grant in September 2012; and the work plan, as amended includes an adoption process for comprehensive plan and code amendments for aquifer protection and wetlands and riparian corridors;

WHEREAS, the City Council and Planning Commission held a joint Work Session on April 15, 2013 and the City Council initiated amendments to the Florence Realization 2020 Comprehensive Plan and Florence City Code for aquifer protection and wetlands and riparian corridors and for housekeeping and internal consistency;

WHEREAS, on September 10, 2012, the City Council approved the public outreach and adoption process for the Partnership grant products, including the use of a joint City-Lane County adoption process for comprehensive plan amendments; the Lane County Board of Commissioners approved the use of the joint adoption process on October 17, 2012;

WHEREAS, the City Council provided policy direction on protection measures for wetlands and riparian on July 16 and September 10, 2012; and the City Council conceptually approved the Aquifer Protection Plan (Plan) for the North Florence Sole Source Aquifer on July 16, 2012; and the Lane County Board of Commissioners approved the Aquifer Protection Plan on July 25, 2012 via Board Order 12-07-25-07;

WHEREAS, the Plan has been amended to address public comments and changes are needed to the Comprehensive Plan and City Code to implement and adopt the Plan and protection measures, as amended, and make these documents mutually consistent and compliant with State Administrative Rules and Statewide Planning Goals;

WHEREAS, additional changes are needed to the Comprehensive Plan and Florence City Code in order to achieve the following objectives:

1. Protect the North Florence Sole Source Dunal Aquifer, the city's sole drinking water source, by
 - adopting and implementing an Aquifer Protection Plan, with source water components certified by the Oregon Department of Environmental Quality (DEQ);
 - basing management strategies on potential sources of contamination; and
 - using updated wellhead delineations and drinking water protection areas.
2. Protect significant wetlands and riparian areas for their functions and values in controlling floods and protecting water quality in the aquifer and surface waters, and in protecting fish and wildlife habitat, consistent with the requirements of Statewide Planning Goal 5.

WHEREAS, on May 7, 2013, the Florence and Lane County Planning Commissions held a joint public hearing on the proposed Comprehensive Plan amendments and the Florence Planning Commission held a public hearing on the proposed Code amendments; deliberated; and recommended adoption of the proposed Comprehensive Plan and Code amendments; and all property owners directly affected by the proposals were mailed notice of the hearing and the hearing was posted to the City web site and advertised in the Siuslaw News;

WHEREAS, on August 6, 2013, the City Council and Lane County Board of Commissioners held a joint public hearing on the proposed Comprehensive Plan amendments; and the Florence Planning Commission held a public hearing on the proposed Code amendments; and all those providing testimony were mailed notice of the hearing and the hearing was posted to the City web site and advertised in the Siuslaw News;

WHEREAS, on September 3, 2013, the City Council deliberated at their meeting and found the proposed Comprehensive Plan and Code amendments consistent with applicable criteria in the Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes, Oregon Administrative Rules, and Oregon Statewide Planning Goals.

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

Section 1. Adoption of Findings of Fact in Exhibit A;

Section 2. Adoption of the following **Florence Realization 2020 Comprehensive Plan** amendments in **Exhibit B** for:

I. Aquifer Protection:

1. Aquifer Protection Plan for the North Florence Sole Source Dunal Aquifer, April 15, 2013, as amended, except for the Contingency Plan (Aquifer Protection Plan) and Appendices;

2. "Certified Wellhead Delineations Report," (Delineations Report) February 2012, GSI Water Solutions, Inc., including Drinking Water Protection Area (DWPA) maps and all Time of Travel Zones for the existing wellfield and the proposed wellfield; and
3. Comprehensive Plan text amendments to protect the aquifer and for internal consistency.

II. Wetlands and Riparian Corridors:

1. 2013 Florence Area Local Wetland and Riparian Area Inventory, Pacific Habitat Services (2013 Inventory) and Appendices
2. 2013 City of Florence Significant Wetlands and Riparian Corridors Plan, and Appendices, and including:
 - a. 2013 Significant Wetlands Map and List of Goal 5 Locally Significant Wetlands, as amended
 - b. 2013 Significant Riparian Reaches Map and List of Goal 5 Locally Significant Riparian Corridors and Widths, as amended
 - c. ESEE Analysis for Public Facilities and Munsel Creek Side Channel
 - d. Limited Protection Program
3. Comprehensive Plan text amendments for internal consistency and housekeeping

Section 3. Adoption of the following **Florence City Code** amendments in **Exhibit C** for:

I. Aquifer Protection:

- a. A new FCC Title 10 Chapter 32: Drinking Water Protection Overlay District; and
- b. City of Florence Drinking Water Protection Overlay Zoning Map

II. Wetlands and Riparian Corridors:

- a. Amendments to Title 10 Chapter 7 to add a new code section FCC 10-7-4 Development Standards for Wetlands and Riparian Areas and related amendments to FCC 10-7; and
- b. Code amendments for consistency and housekeeping

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

FURTHER, although not part of this Ordinance except as described above, the Florence City Council adopts the Contingency Plan in Chapter 5 of the Aquifer Protection Plan.

Adopted by the Florence City Council this 3rd day of September, 2013.

AYES: 5 – Councilors Henry, Jagoe, Roberts, Greene, and Mayor Xavier

NAYS: 0

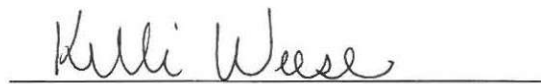
ABSTAIN: 0

ABSENT: 0

APPROVED BY THE MAYOR, this 5th day of September, 2013.


Nola Xavier, MAYOR

ATTEST:


Kelli Weese, City Recorder

**CITY OF FLORENCE
ORDINANCE NO. 11, SERIES 2016**

An Ordinance amending Florence City Code Chapters 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 25, 27, 28, 29, 30, 32, 34, and 35 of Title 10 and Chapters 1, 2 and 3 of Title 11 adding a ministerial land use process; restructuring code to Type I-IV procedure; implementing updates to fence code, Commercial District uses, marijuana buffering, water dependent use applicable date, land use definitions, Mainstreet District lot/yard descriptions; and consolidating mobile home codes.

RECITALS:

1. The Florence City Council initiated amendments to implement a streamlined land use process via their 2016 Work Plan by motion on February 17, 2015.
2. On July 19, 2016, notice of the proposed code amendments was sent to the Department of Land, Conservation and Development, not less than 35 days prior to the first evidentiary hearing.
3. On August 26, 2016, the Department of Land, Conservation, and Development was re-noticed regarding Planning Commission changes to the proposed code amendments and informed of the City Council public hearing.
4. On August 10 and 17, 2016, notice of the Planning Commission public hearing regarding the proposed code amendments was published within the Siuslaw News as well as posted on the City website.
5. On September 28 and October 5, 2016, notice of the City Council public hearing was published within the Siuslaw News as well as posted on the City website.
6. The Planning Commission began work on the proposed amendments on October 27, 2015 and held work sessions regarding the proposed amendments on February 23, March 22, April 12, and May 24, 2016.
7. City Council held work sessions regarding the proposed amendments on May 18, and October 5, 2016.
8. Planning Commission opened their public hearing August 23, 2016 and then closed it and deliberated to a decision for a recommendation to the City Council on August 23, 2016.
9. City Council conducted a public hearing on October 17, 2016 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapters 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 25, 27, 28, 29, 30, 32, 34, and 35 of Title 10 and Chapter 1, 2 and 3 of Title 11, are amended as shown in Exhibit B.
2. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 17th day of October, 2016.

Second Reading on the 17th day of October, 2016

This Ordinance is passed and adopted on the 17th day of October, 2016.

AYES	4	Councilors Lacer, Lyddon, Greene, and Mayor Henry
NAYS	0	
ABSTAIN	0	
ABSENT	1	Councilor Preisler



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder

Red: Addition to code

Strikethrough: Removal of Code

TITLE 10
CHAPTER 19

ESTUARY, SHORELANDS, AND BEACHES AND DUNES

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

...

- 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 (Type III review), subject to the applicable criteria. A Conditional Use Permit may be approved according to the procedures set forth in Chapters 1 and 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. *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.*

Notwithstanding the non-conforming use provisions in the Florence City Code, [n]on water-dependent and non-water-related uses and structures that existed as of July 7, 2009 will:

(1) retain their non-conforming status for five years from the date ~~the use is abandoned or the structure is destroyed~~; (2) retain their non-conforming status where the nonconforming use or structure is abandoned until such time the use or structure is converted to a conforming use.

Nonconforming structures may be used for any use previously existing, or any use currently allowed in the underlying zoning district or an adjacent zoning district; and (3) the existing structure for the same use may be replaced.; ~~the provisions of non-conforming uses in the Florence City Code notwithstanding.~~

....

Red: Addition to code

Strikethrough: Removal of Code

TITLE 10
CHAPTER 19

ESTUARY, SHORELANDS, AND BEACHES AND DUNES

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

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...

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.~~

Notwithstanding the non-conforming use provisions in the Florence City Code, non-water-dependent and non-water-related uses and structures that existed as of July 7, 2009, ~~will: (1) retain their non-conforming use status for five years from the date the use is abandoned or the structure is destroyed due to fire or natural disaster whereby the existing structure for the same use in the same footprint and same intensity may be replaced; and (2) retain their non-conforming status where the nonconforming use or structure is abandoned until such time the use or structure is converted to a conforming use. and the existing structure for the same use may be replaced; the provisions of non-conforming uses in the Florence City Code notwithstanding~~ **may continue under the following conditions:**

- a. **Nonconforming uses and structures may continue until such time as the use is converted to a conforming use or the structure is replaced, whichever occurs first.**
- b. **Replacement of a nonconforming structure is only permitted following an unprescribed event, such as a fire or natural disaster, that renders the structure a dangerous building as defined in FCC 4-5-2.**
- c. **Any replacement or continuation of a nonconforming structure shall not exceed the following characteristics of the original structure. The replacement or continued structure must be equal to or less than:**

1. **The original building footprint;**

2. The original total square feet; and
3. The original intensity of use, as determined by the parking requirements associated with the use in Florence City Code Title 10, Chapter 3.

d. No replacement or continuation of a nonconforming structure or use may result in any increase in height, bulk, or intensity beyond what existed as of July 7, 2009.

e. Replacement of a nonconforming structure must comply with all applicable federal, state, and local permitting requirements.

....

Proposed

Red: Addition to code

Strikethrough: Removal of Code

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 16

SIUSLAW RIVER ESTUARINE RESOURCES

....

Policies

....

18. In **Development Estuary Management Units**, the following additional policies shall apply:

....

c. Permitted uses or activities in Development Estuary areas outside of Areas Managed for Water-dependent Activities, shall be limited to the following, provided the proposed use must not be detrimental to natural characteristics or values in the adjacent estuary, and subject to the specific criteria below, and the applicable requirements in f and either d or e (if dredging or fill is required, the requirements in d apply; if the use will otherwise alter the estuary, the requirements in e apply):

....

10) Water-related uses; non-water-dependent uses, non-water-related uses not requiring dredge or fill; and activities identified in Natural and Conservation MUs may also be allowed where consistent with the purposes of this MU and adjacent shorelands designated Water Dependent (or designated for waterfront redevelopment). In designating areas for these uses, local governments shall consider the potential for using upland sites ~~and it is not possible to locate the use on an upland site~~ to reduce or limit the commitment of the estuarine surface area for surface uses.

....

d. Dredging projects, other than maintenance dredging as permitted in b, above, and any project which requires fill in the estuary, shall be allowed only if the project or activity complies with all of the following criteria:

1) The dredging or fill is expressly permitted in sections b or c, above;

2) A substantial public benefit is demonstrated and the activity does not unreasonably interfere with public trust rights;

~~3) No alternative upland locations are feasible;~~

~~3)~~⁴⁾ Adverse impacts 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 allowed in b and c, above are minimized;

~~4)~~⁵⁾ 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, water and erosion control structures, such as riprap, jetties, bulkheads, seawalls, and similar protective structures; and fill, whether

located in the waterways or on shorelands above the ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

5)6) Dredge or fill activities, as otherwise approved, 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.

6)7) All federal and state permit requirements, including mitigation requirements, are met as a condition of approval.

e. Activities or uses which could potentially alter the estuary that do not involve dredge or fill shall only be allowed in Development Estuary MUs when the use or activity complies with all of the following criteria:

1) the activity or use is expressly permitted in sections b or c, above;

2) ~~no alternative upland locations are feasible;~~

2)3) 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 b and c above;

3)4) 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, water and erosion control structures, such as riprap, jetties, bulkheads, seawalls, and similar protective structures, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.