



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

October 1, 2007

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment
DLCD File Number 004-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 15, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Paul Klarin, Coastal Policy Analyst
Dave Perry, Dlcd Regional Representative
Keir Miller, Lane County

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

SEP 25 2007

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Lane County Local File No.: ORD. NO. PA1242 (If no number, use none)

Date of Adoption: 9/19/2007 Date Mailed: 9/24/2007 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 4/16/2006

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation Amendment, Zoning Map Amendment, New Land Use Regulation, Other: Dredge Material Disposal Plan Amendments

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Eliminate two dredge material disposal sites from the inventory (sites # 15 & # 16)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A." Reactivation of DMMP site 10 was not adopted

Plan Map Changed from: N/A to N/A

Zone Map Changed from: N/A to N/A

Location: 18-12-34 - Florence city limits Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 16 & 17

Was an Exception Adopted? Yes: No: X

DLCD File No.: 004-07 (16035)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: City of Florence, Port of Siuslaw, Army Corp of Engineers

Local Contact: Keir Miller Area Code + Phone Number: 541-682-4631

Address: 125 E. 8th Ave

City: Eugene Zip Code+4: 97401-9949

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

September 24, 2007

Port of Siuslaw
Attn: Mark Freeman, Manager
P. O. Box 1220
Florence, OR 97439

City of Florence
Attn: Sandra Belson
250 Highway 101 North
Florence, OR 97439

Carol Heinkel
1800 Orchard
Eugene, OR 97403

E. K. (Ed) and Maxine Stanfill
380 Leelo Court
Florence, OR 97439

R. Sande Tomlinson
630 Spyglass Drive
Eugene, OR 97439

Jeff Christian
PO Box 27
Walterville, OR 97489

Subject: Ordinance No. PA 1242 -- In the matter of adopting amendments to the Siuslaw River Dredged Material Disposal Plan (DMDP) to Deactivate DMDP Sites 15 and 16; Adopting an addendum to DMDP Site Maps; and adopting a savings and severability clause.

Ordinance No. PA 1242 was adopted by the Lane County Board of Commissioners on September 19, 2007. A copy of the adopted ordinance is attached.

When amendments are adopted, the action must be noticed to parties of interest. This is accomplished through a mailing such as this one to the parties that participated in the public hearing process and requested notice of the Board's decision.

At the time when the above notices were sent out, in this case on September 24, 2007, the County also is required to send a notice to the Oregon Department of Land Conservation and Development (DLCD) with a list of interested parties we mailed notices to. Within the next week or so, DLCD will mail a second notice to the interested parties that include directions on how to submit an appeal to the Oregon Land Use Board of Appeals (LUBA). The period for submittal of an appeal is within 21 days of the date the County sent the initial notice to the parties (September 24, 2007). If no appeal is filed in opposition to the Board's adoption of Ordinance No. PA 1242, then the amendments will become final thirty days following the date of the Board's adoption. In this case, the final date would be October 19, 2007.

If you disagree with the Board's decision, you may appeal to the Land Use Board of Appeals (LUBA). Consult Oregon Administrative Rules Chapter 661, Division 10 for appeal procedures.

Feel free to call me if you have questions about the above outlined process.

Sincerely,



Keir Miller,
Associate Planner
541-682-4631

Enclosures

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1242) IN THE MATTER OF ADOPTING AMENDMENTS TO THE
) SIUSLAW RIVER DREDGED MATERIAL DISPOSAL PLAN
) (DMDP) TO DELETE DMDP SITES 15 AND 16; ADOPTING AN
) ADDENDUM TO DMDP SITE MAPS; AND ADOPTING A
) SAVINGS AND SEVERABILITY CLAUSE.**

WHEREAS, The Board of County Commissioners of Lane County, through enactment of Ordinance PA 749, has adopted the Siuslaw River Dredged Material Disposal Plan (DMDP) as a component and within the planning jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.400 sets forth procedures for amendment of the Rural Comprehensive Plan, and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comprehensive Plan; and

WHEREAS, in May 2007, four actions were initiated for amendments to add DMDP Site 10; delete DMDP Site 15, delete DMDP Site 16; and adopt an Addendum to the DMDP; and

WHEREAS, the Lane County Planning Commission reviewed the proposals in a public hearing on June 5, 2007, and following deliberations on June 5 and June 19, 2007, forwarded recommendations on the proposed amendments to the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners conducted a public hearing on September 19, 2007, reviewed the record and is now ready to take action;

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

Section 1. The DMDP is amended by deleting, as indicated, the following properties or portions thereof.

- a. Delete DMDP Site 15, a designated area over multiple tax lots of Assessor's map 18-12-34, more particularly described in Exhibit "A" attached and incorporated herein; and
- b. Delete DMDP Site 16, a designated area over multiple tax lots of Assessor's map 18-12-34, more particularly described in Exhibit "B" attached and incorporated herein.

Section 2. The DMDP is amended by the adoption of the Addendum to the Siuslaw River Dredged Material Disposal Plan, July 2007 and further identified as Exhibit "C" attached and incorporated herein.

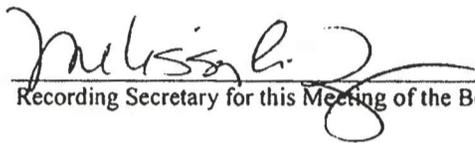
FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts the Findings of Fact in support of this action as set forth in the attached Exhibit "D".

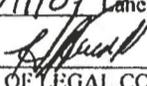
The prior designations and zones repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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

ENACTED this 19th day of September, 2007.


Chair, Lane County Board of County Commissioners


Recording Secretary for this Meeting of the Board

Approved As To Form
Date 9/19/07 Lane County

OFFICE OF LEGAL COUNSEL

**Exhibit A –
DMDP Site 15 (Deletion) – 2004 Aerial Photograph**

Siuslaw River Dredged Material Disposal Plan (DMDP) Site No. 15

RCP/CRMP Plot No. N/A River Segment 2
TRS Map: 18-12-34.2.1, Tax Lots 1501, 1502, 1600, 1700, 1800, 1801, 1500, 1900, 2000, 2100, 2200,
2300, 2001, 2002, 8400, 3001, 3000, 5401, 1000, 900, 800, 700, 600, 400, 1200, 1300 and
5200.

Location: North of Siuslaw River and Southwest of Rhododendron Drive
Vicinity: Florence Sewage Treatment Plant and grounds.



2004 aerial photograph with Site 15 boundaries.

DMDP Site 15 was deleted from the SRDMDP site inventory by the City of Florence (Ordinance No. 7 - Series 2004, May 17, 2004)

Board action: Ordinance No. PA 1242 (September 19, 2007)

**Exhibit B –
DMDP Site 16 (Deletion) – 2004 Aerial Photograph**

Siuslaw River Dredged Material Disposal Plan (DMDP) Site No. 16

RCP/CRMP Plot No. N/A

River Segment 2

TRS Map: 18-12-34.1.2, Tax Lots 8202, 8203, 8204, 8205 and 8206

Location: North of Siuslaw River within city limits of Florence

Vicinity: Northwest of Highway 101 in Residential zone.



2004 aerial photograph with Site 16 boundaries.

DMDP Site 16 was deleted from the SRDMDP site inventory by the City of Florence (Ordinance No. 7 - Series 2004, May 17, 2004)

Board action: Ordinance No. PA 1242 (September 19, 2007)

**Exhibit C – Addendum (July 2007) to the Siuslaw River Dredged Material Disposal Plan
(Wilsey & Ham, November 1978).**

Addendum

to the

Siuslaw River Dredged Material Disposal Plan

**Wilsey & Ham
November 1978**

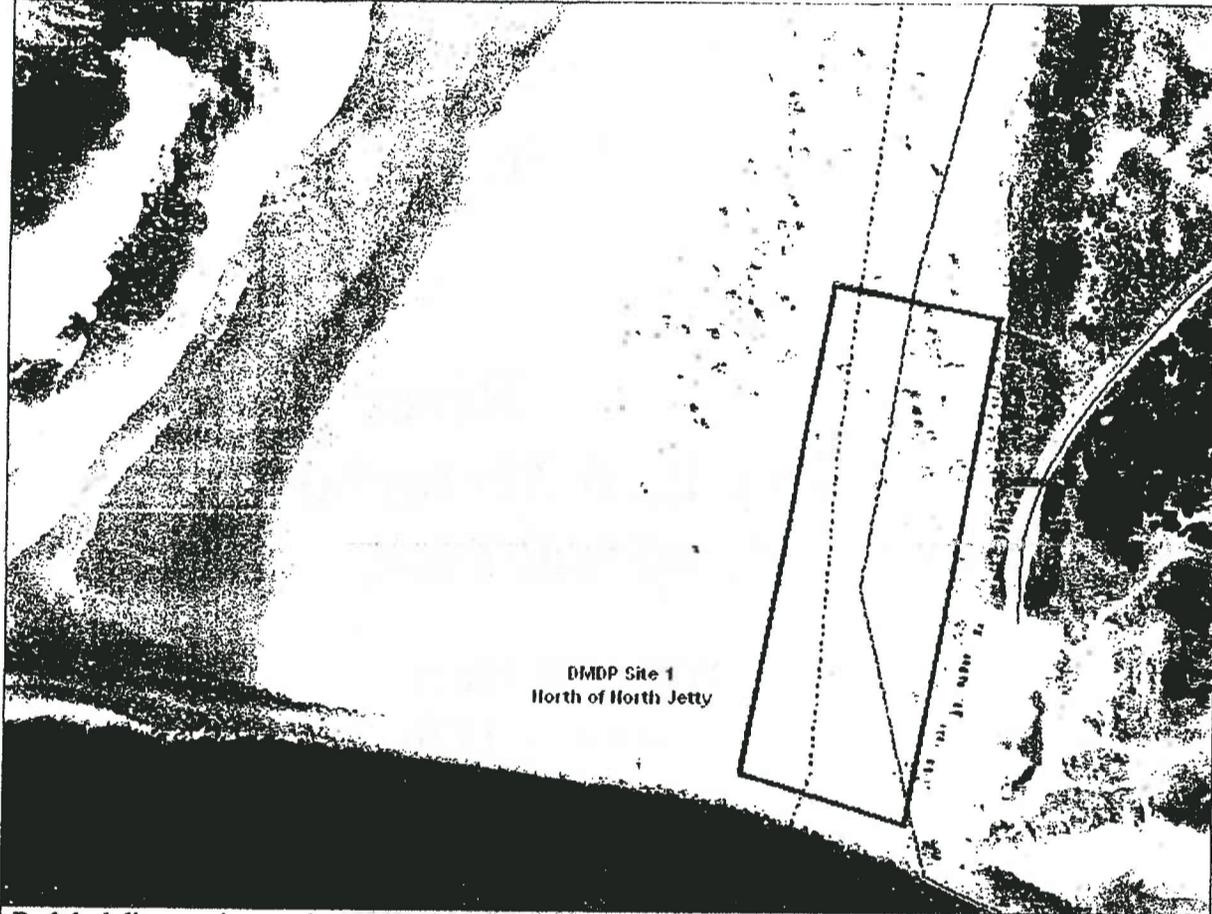
**Lane County, Oregon
Ordinance No. PA 1242**

**Land Management Division
July 2007**

Dredged Material Disposal Plan (DMDP) Site No. 1

RCP/ CRMP Plot No. 011 **TRS Map: 18-12-09** **Tax Lot(s): 500** **River Segment: 1**
Location: Beach North of North Jetty **Vicinity: West of North Jetty Parking Lot**
Base Zone: Florence UGB **CRMP Combining Zone: Natural Estuary NE (MU "C")**

2004 aerial with site boundaries



Red dash line passing south to north through DMDP Site 1 is the Urban Growth Boundary of the City of Florence. Land to the west is Rural; land to the east is UGB.

Dredged Material Disposal Plan (DMDP) Site No. 1a

RCP/CRMP Plot No. 011 **TRS Map: 18-12-16** **Tax Lot(s): 400** **River Segment: 1**
Location: Beach - South of South Jetty **Vicinity: West of Foredune and South Jetty Road**
Base Zone: Natural Resource (NR)
CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 34)



Dredged Material Disposal Plan (DMDP) Site No. 2

RCP/CRMP Plot No. 011 TRS Map: 18-12-09 Tax Lot(s): 500 River Segment: 1

Location: Dunes – North of North Jetty Vicinity: East-Northeast of North Jetty Road

Base Zone: Florence UGB

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 1)

2004 aerial with DMDP site boundaries

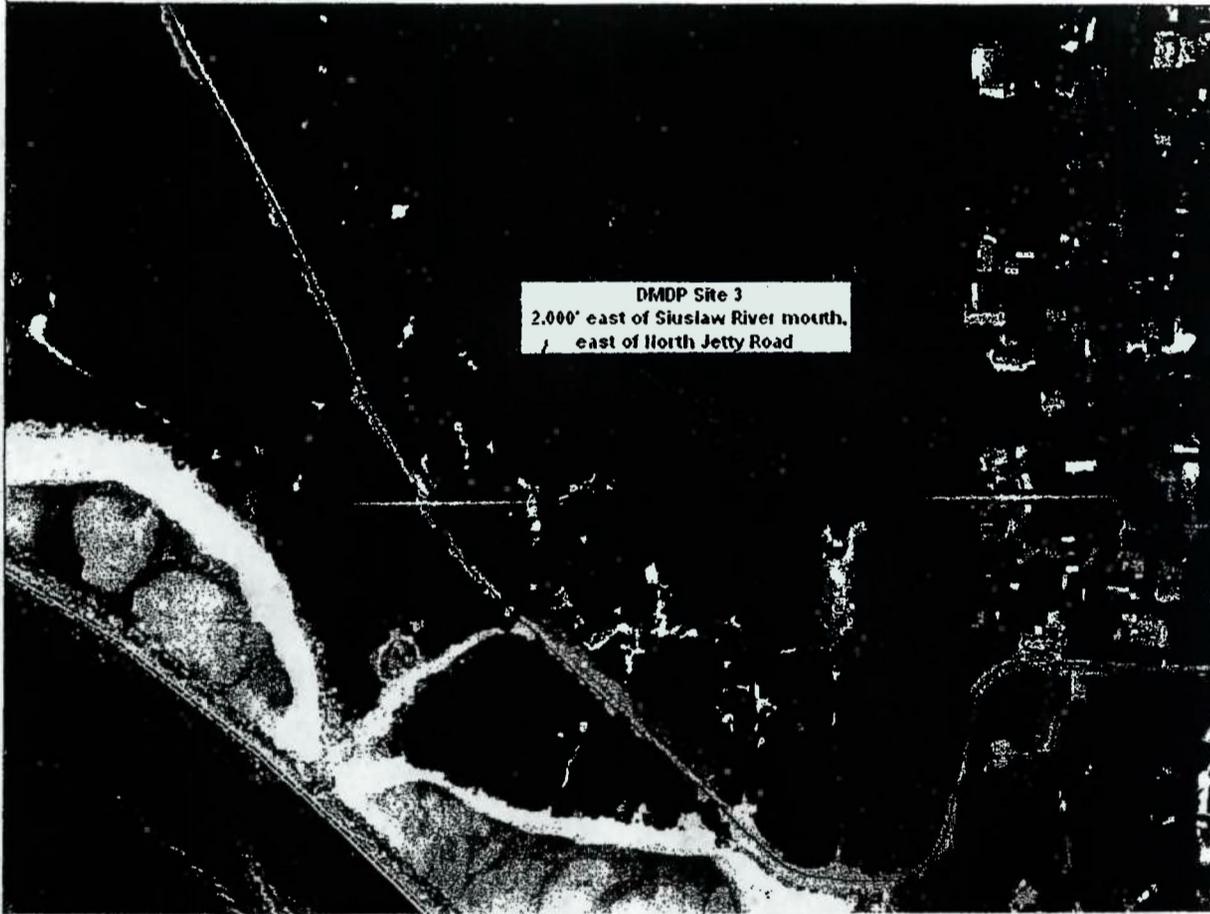


CRMP: DMD Site 2 is not depicted on Official Coastal Zones Plot # 011

Dredged Material Disposal Plan (DMDP) Site No. 3

RCP/CRMP Plot No. 011 **TRS Map: 18-12-09** **Tax Lot(s): 500** **River Segment 1**
Location: Approximately 2,000' North of Siuslaw River **Vicinity: North of North Jetty Rd**
Base Zone: Florence UGB/CL
CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 1)

2004 aerial with site boundaries



CRMP / DMDP Site 3 is within Florence City Limits and not depicted on Lane County Official Coastal Zones Plot # 011

Dredged Material Disposal Plan (DMDP) Site No. 8

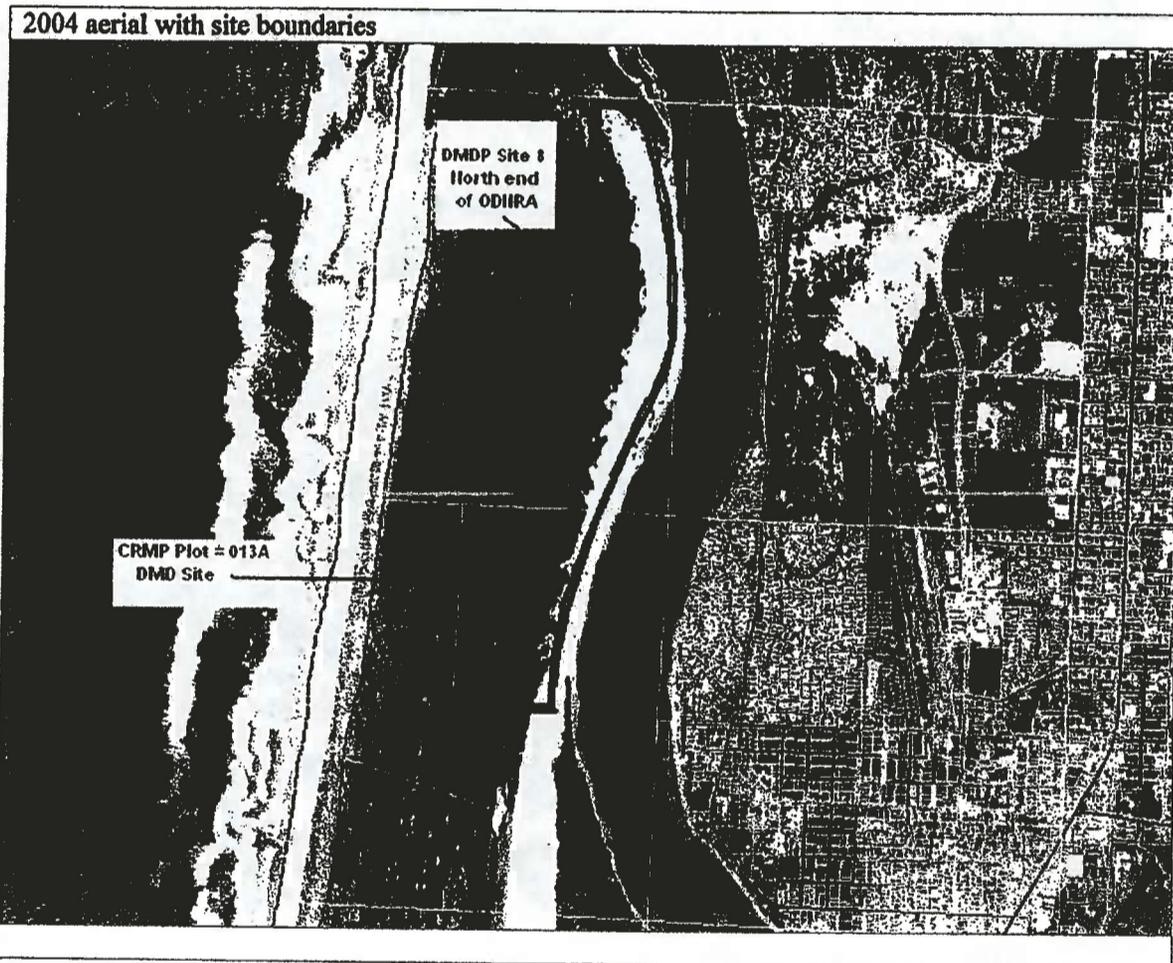
RCP/CRMP Plot No. 13A TRS Map: 18-12-00(21) Tax Lot(s): 100 River Segment 2
TRS Map: 18-12-00(28) Tax Lot(s): 400

Location: West of Siuslaw River - River Miles 2 - 4

Vicinity: Oregon Dunes National Recreation Area (south of South Jetty)

Base Zone: Natural Resource NR

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 33)



Dredged Material Disposal Plan (DMDP) Site No. 9 (Deleted in 1979)
and Site No. 10 (Reactivated: Ord No. PA 1242 – 2007)

RCP/ CRMP Plot No. --

River Segment 2

TRS Map: DMDP Site 9 --- TRS Map 18-12-21 Tax Lot(s): 603 (#9)

DMDP Site 10 -- TRS Map: 18-12-22 Tax Lot(s): 701 (N 3/4); 702 (S 1/4)

Location: DMDP Site 9 – West of Rhododendron Drive Vicinity: Siuslaw Pacific Marina (1978).
Marina Manors (2004)

DMDP Site 10 – East of Rhododendron Drive

Base Zone: Florence City Limits

Site 10 – Limited Industrial (LI)

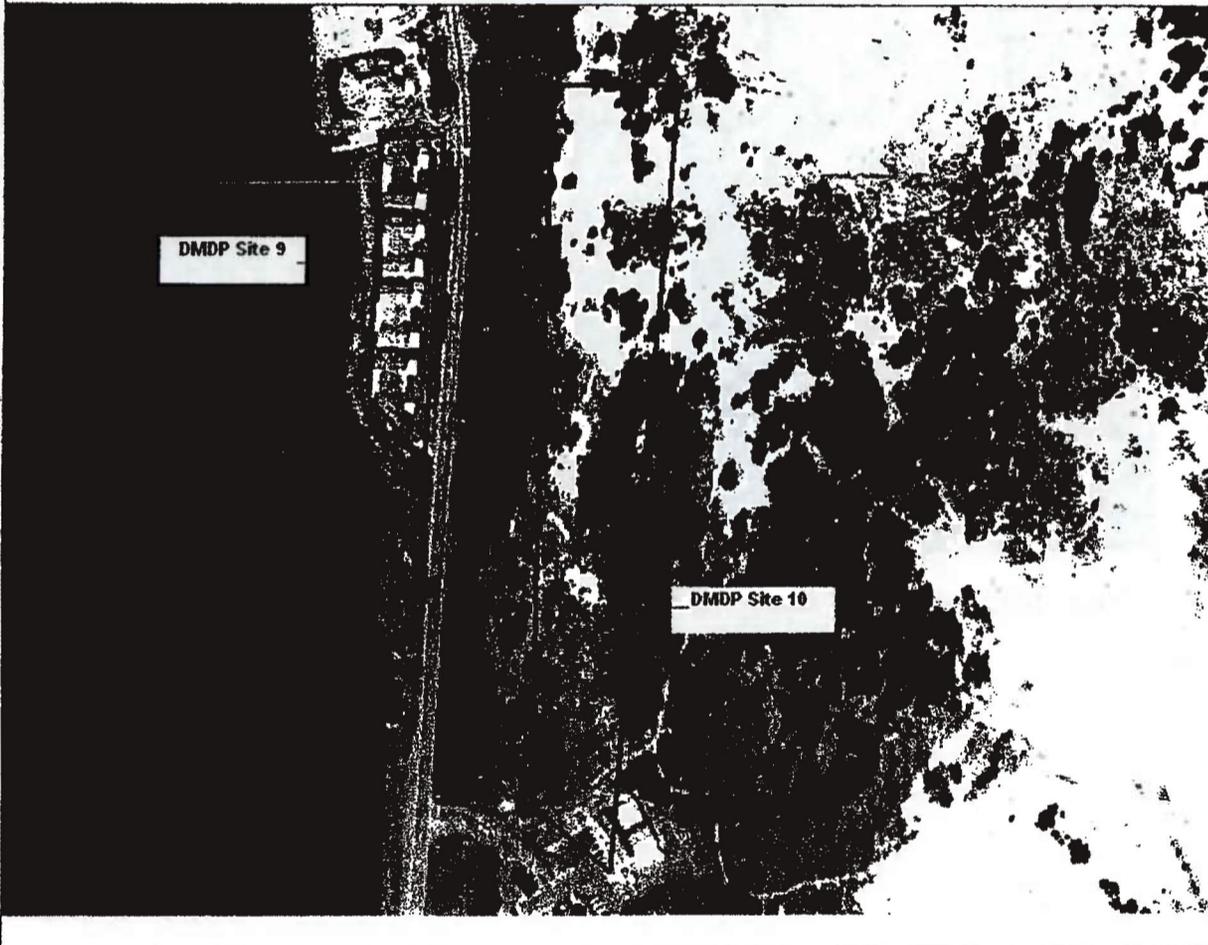
CRMP Combining Zone: Florence City Limits

Site 10 – Mixed Development (MD)

Status: DMDP Site 9 and DMDP Site 10 were deleted from the DMDP inventory by Board of County Commissioner's adoption of Ordinance No. 749 on October 18, 1979 (Ref: Appendix "B", Item 4 -- "Deletion of sites 9, 10, 26 and 30 from the DMDP").

DMDP Site 10 reactivated by Ordinance No. PA 1242

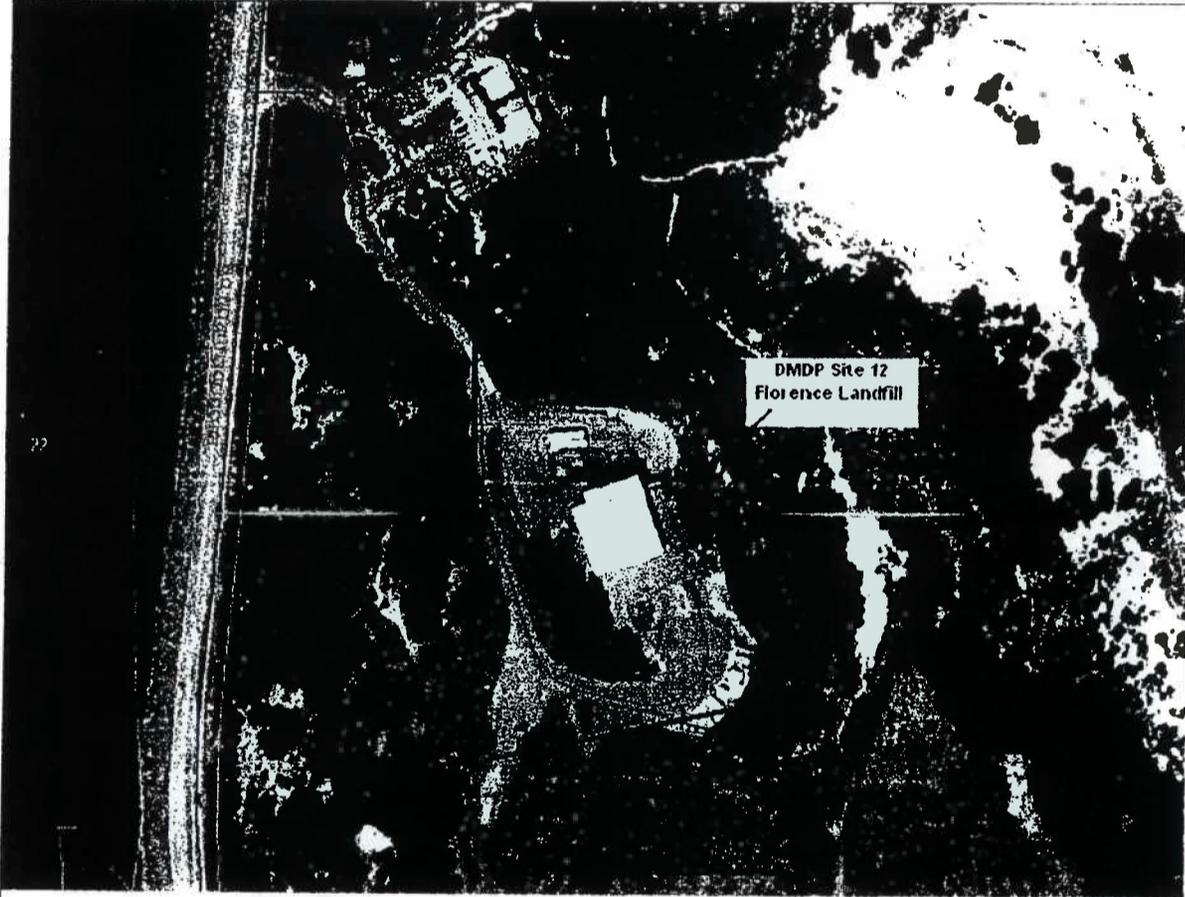
2004 aerial with site boundaries



Dredged Material Disposal Plan (DMDP) Site No. 12

RCP/CRMP Plot No. None **TRS Map: 18-12-22** **Tax Lot(s): 1000** **River Segment 2**
Location: Lane County sanitary landfill **Vicinity: North and East of Greentrees**
Base Zone: Florence City Limits
CRMP Combining Zone: Florence City Limits

2004 aerial with site boundaries



CRMP: DMD Site 12 is not depicted on Official Coastal Zones Plot # 013A

Dredged Material Disposal Plan (DMDP) Site No. 14

RCP/ CRMP Plot No. Florence City Limits

TRS Map: 18-12-27 Tax Lot(s): 600, 700, 1400, 1500, 4500, 4600, 4700, 5300 and 5400

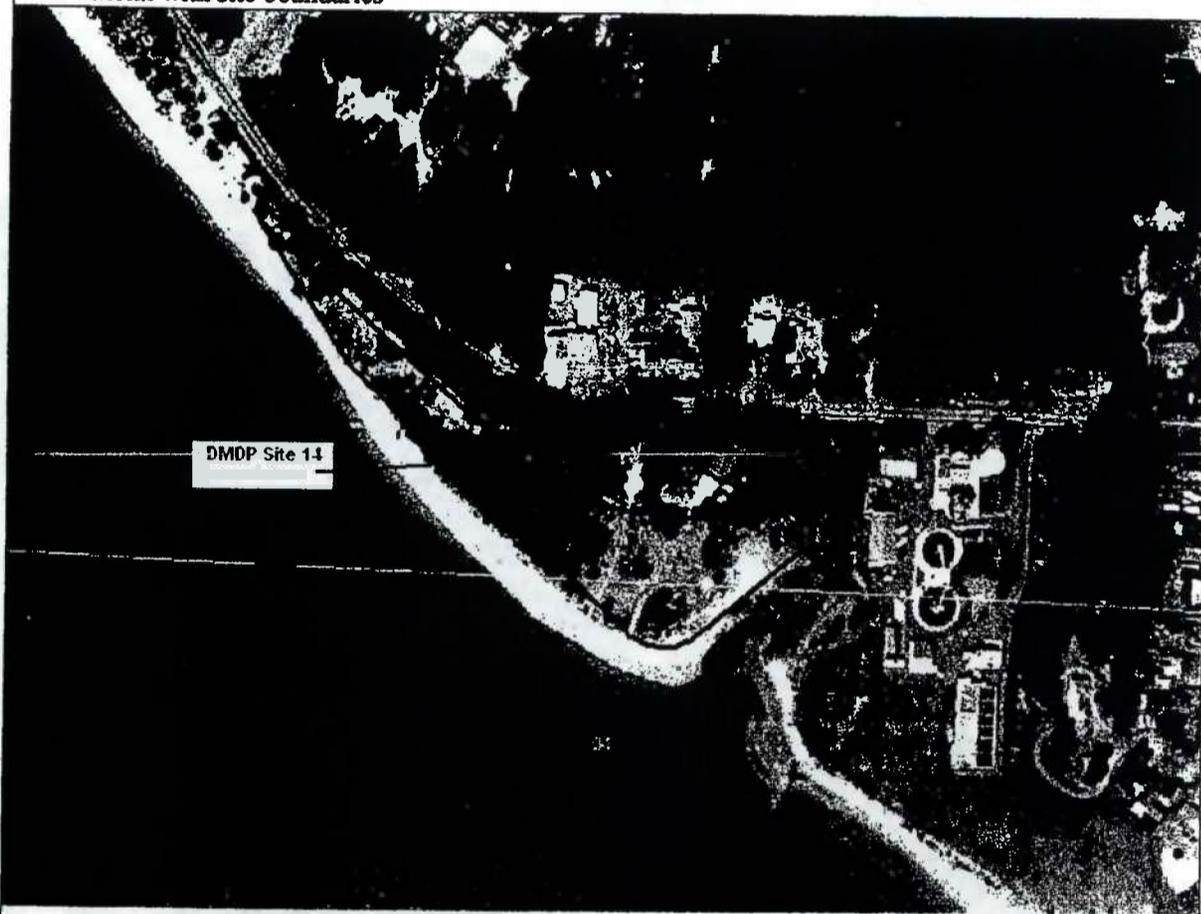
River Segment: 2

Location: West of Florence Sewage Treatment Plant

Base Zone: Florence City Limits

CRMP Combining Zone: Residential Development /RD (M.U. 3)

2004 aerial with site boundaries



DMDP Site 14 is not depicted on Official Coastal Zone Plot # 014

Dredged Material Disposal Plan (DMDP) Site No. 15 and 16 (Deleted)

Sites 15 and 16 were **removed** from Dredged Material Disposal Plan site inventory by the City of Florence Ordinance No. 7, Series 2004 on May 17, 2004.

Sites 15 and 16 were **removed** from Dredged Material Disposal Plan site inventory by the Lane County Ordinance No. PA 1242 on _____, 2007.

RCP/CRMP Plot No. Florence City Limits

Site # 15 -- TRS Map: 18-12-34 Tax Lot(s): 1200, 1300, 1600, 2001, 8400

Site # 16 -- TRS Map: 18-12-34 Tax Lot(s): 8200

Location: South of Florence Sewage Treatment Plant

Vicinity: West of Highway 101 bridge; north of Siuslaw River

Base Zone: Florence City Limits

CRMP Combining Zone: Residential Development /RD (M.U. 3)

2004 aerial with site boundaries



DMDP Sites 15 and 16 are not depicted on Official Coastal Zones Plot # 014

Dredged Material Disposal Plan (DMDP) Site No. 19

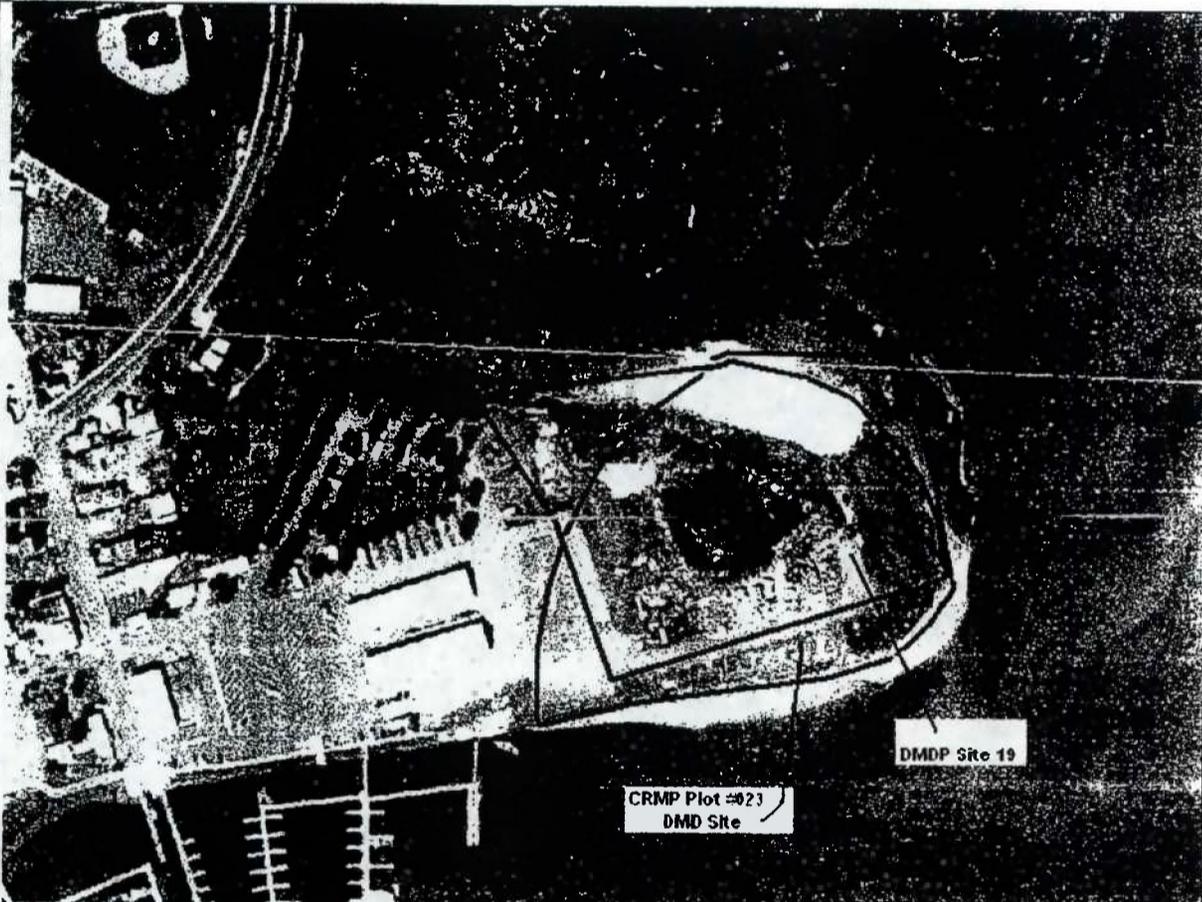
RCP/CRMP Plot No. 023 TRS Map: 18-12-35.2.2 Tax Lot(s): 3500 River Segment 3

Location: East of Waterland Storage facilities and RV park

Base Zone: Florence City Limits

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 42)

2004 aerial with site boundaries



Dredged Material Disposal Plan (DMDP) Site No. 22

RCP/CRMP Plot No. 030

TRS Map: 18-12-25 Tax Lot(s): 2200, 2300

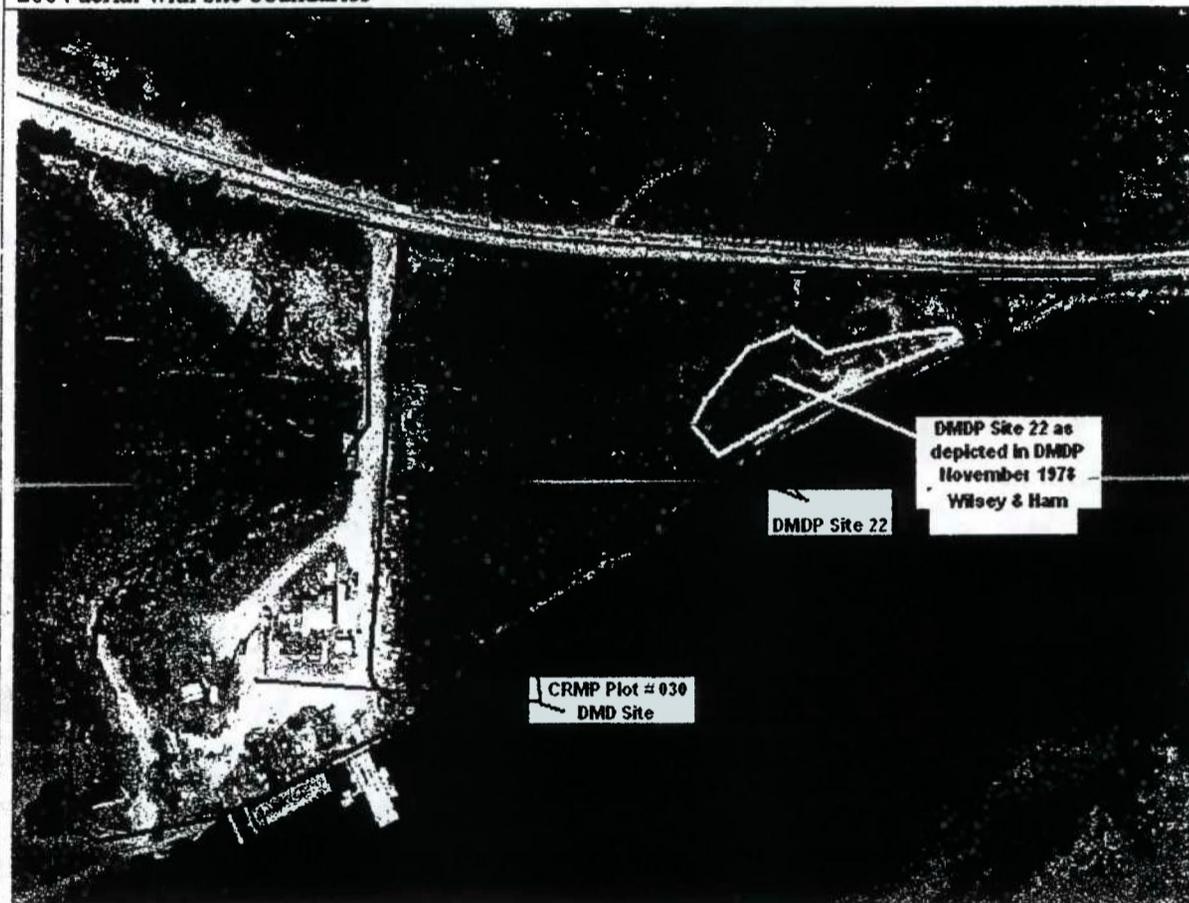
Location: In 1978, referred to in DMDP as the "Johnson's Rock Products" site.

Vicinity: South of Highway 126, north of Siuslaw River, East of North Fork Siuslaw Bridge (Highway 126)

Base Zone: Rural Industrial (RI)

CRMP Combining Zone: Natural Resource Conservation /NRC (M. U. 10)

2004 aerial with site boundaries



CRMP history:

1. The "Johnson's Rock Products site was initially (November 1978) 150' x 220' as depicted on page 52-53 of the Siuslaw River Dredged Material Disposal Plan, Wilsey-Ham, November 1978. Refer to yellow area above.
2. The site was amended by the Board of County Commissioners with the adoption of Ordinance No. 749 (October 18, 1979), Appendix "B", Item #2: "2. Enlargement of Site 22 to include fresh water marsh north of originally-proposed site, and small salt water marsh at east end of site." The description of the site was enlarged to "nine acres" with a capacity of "130,000 cubic yards". Refer to the DMDP Site 22 as depicted in red above.
3. The Official Coastal Zones Plot #030 adopted in 1984 depicts an even larger "site" that includes the developed Rural Industrial land to the southwest as shown in purple, above.

Dredged Material Disposal Plan (DMDP) Site No. 23

RCP/CRMP Plot No. 39 **TRS Map: 18-11-30.2 Tax Lot(s): 8900**
Location: "Murphy Mill" site (Closed mid-1980s) **Vicinity: Rural Community of Cushman**
Base Zone: Rural Commercial (RC) **CRMP Combining Zone: Mixed Development (MD)**



Dredged Material Disposal Plan (DMDP) Site No. 25, 25a

RCP/ CRMP Plot No. 044

Site No. 25 – TRS Map: 18-11-29 Tax Lot(s): 100

Site No. 25a – TRS map: 18-11-29 Tax Lot(s): 100 (directly south of Site 25)

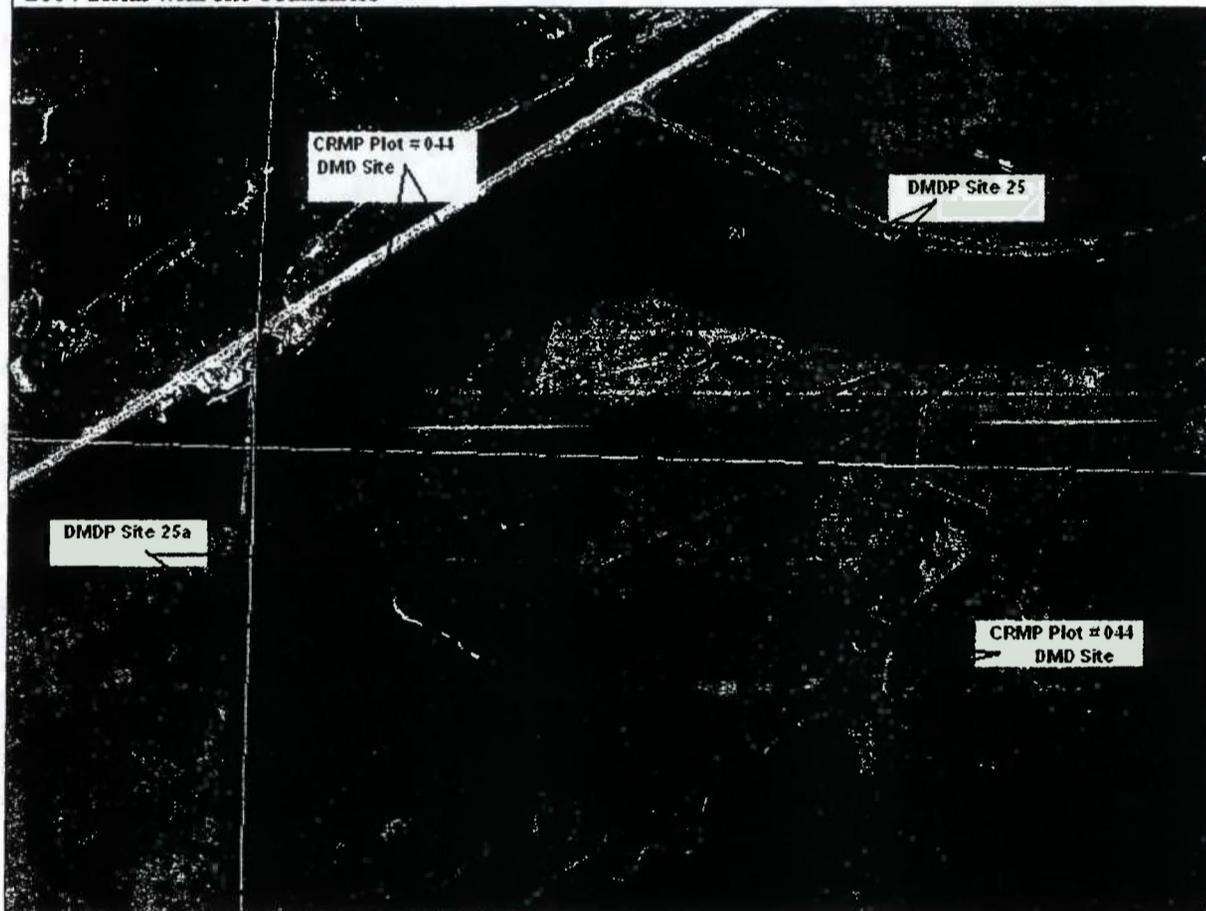
Location: South of rural community of Cushman and Siuslaw River

Vicinity: East of S. P. R. R. railroad trestle.

Base Zone: Exclusive Farm Use (E25)

CRMP Combining Zone: Natural Resource Conservation /NRC (M. U. 30)

2004 aerial with site boundaries



CRMP/DMDP History:

1. Board of County Commissioners added Site 25a to DMDP inventory with the adoption of Ordinance No. 749 (October 18, 1979) Appendix "B", Item # 5: "Add of new Site 25A, with use to occur only after site configuration is approved by state and federal agencies with review /comment and sign-off authority."
2. Ordinance No. 877, (March 16, 1983) Exhibit "A", page 1 of 2: [New site description of Site 25a] "Approximately 60 acres" with capacity of "970,000 cubic yards at 10' depth."

Dredged Material Disposal Plan (DMDP) Site No. 26 Deleted 1979

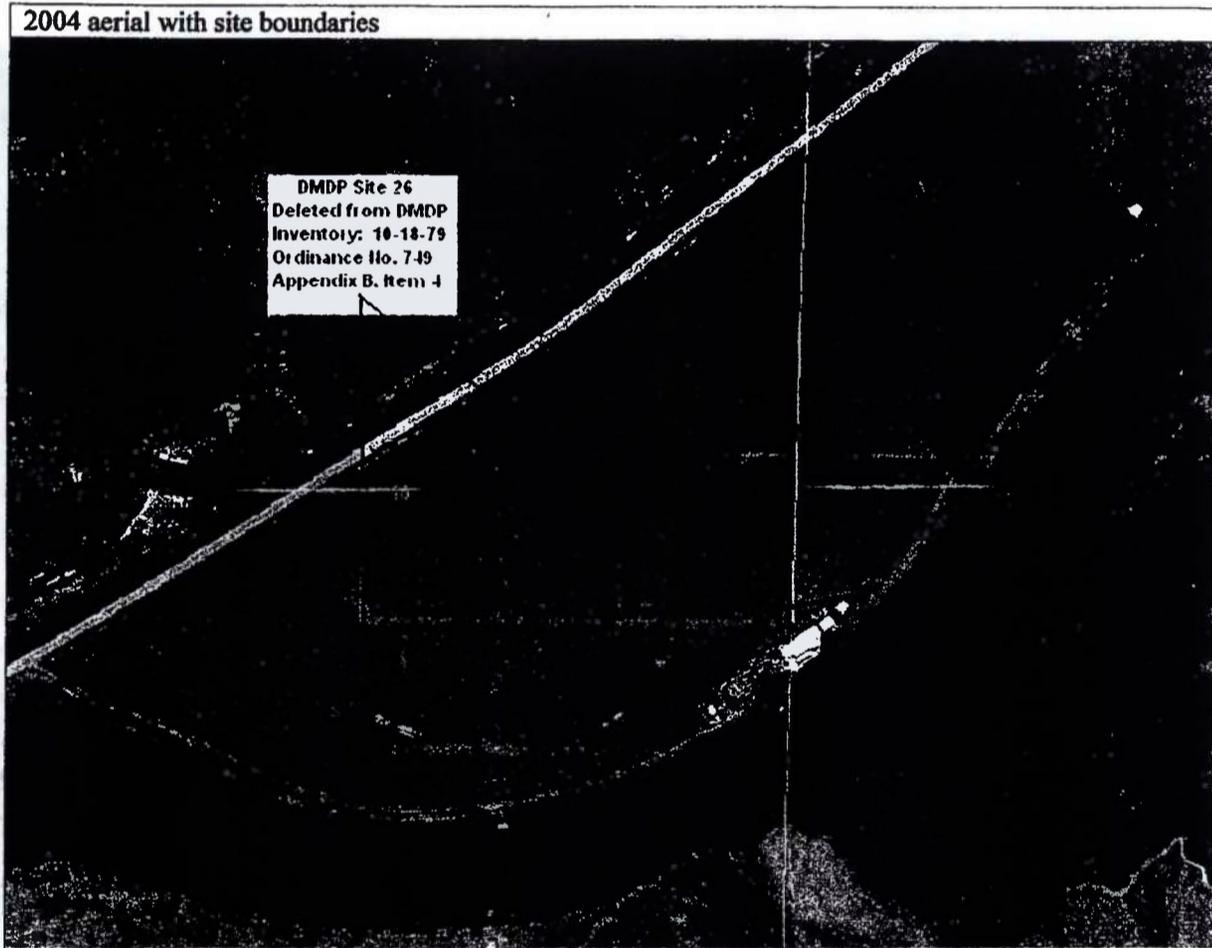
RCP/CRMP Plot No. 044 TRS Map: 18-11-20 Tax Lot(s): 601 River Segment: 3

Location: Siuslaw River Jersey Farm

Vicinity: 1,200 feet East of rural community of Cushman

Base Zone: Exclusive Farm Use (E25)

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 13)



CRMP - DMDP History:

Deleted from DMDP inventory by Board of County Commissioners with adoption of Ordinance No, 749 (October 18, 1979) Appendix "B", Item #4: "Deletion of Sites 9, 10, 26 and 30 from the DMDP."

Dredged Material Disposal Plan (DMDP) Site No. 27

RCP/CRMP Plot No. 48 TRS Map: 18-11-16 Tax Lot(s): 2402, 2500

River Segment 3

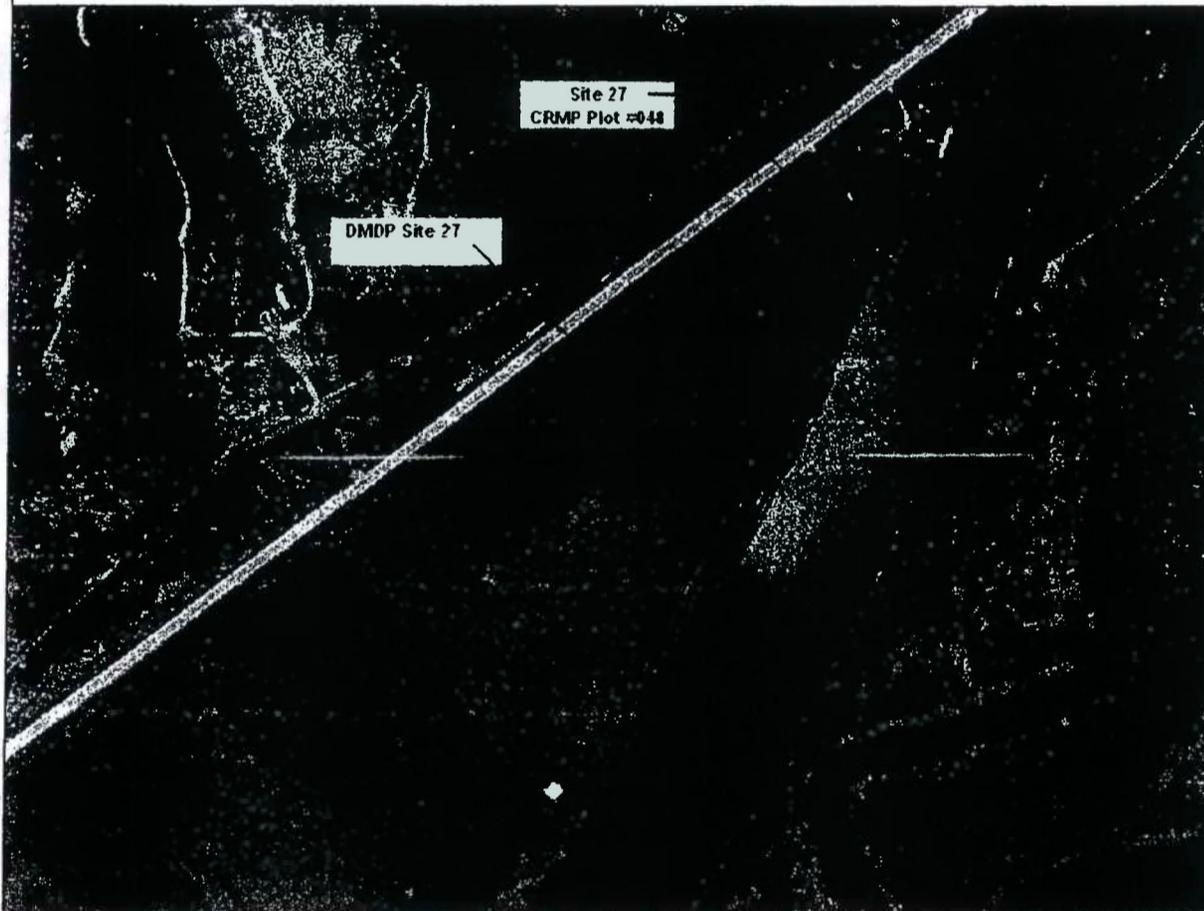
Location: 1.5 miles east of rural community of Cushman

Vicinity: North of Siuslaw River

Base Zone: Impacted Forest Land F2

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 13)

2004 aerial with site boundaries



CRMP – DMDP History:

Board of County Commissioner amended the site description with the adoption of Ordinance No. 877 (March 16, 1983), Exhibit "A", pages 1 and 2: "18-11-16, tax lot 2502 – 10.5 acres " with a disposal capacity of "169,400 cubic yards @ 10' depth."

Dredged Material Disposal Plan (DMDP) Site No. 30 Deleted 1979

RCP/CRMP Plot No. 51 TRS Map: 18-11-15 Tax Lot(s): 1000

River Segment: 4

Location: River Mile 11

Vicinity: Across (south) Siuslaw River from Midway Dock

Base Zone: Exclusive Farm Use E25

CRMP Combining Zone: Natural Resource Conservation /NRC (M. U. 29)

2004 aerial with site boundaries



CRMP History:

Board of County Commissioners deleted Site 30 from the DMDP inventory with the adoption of Ordinance No. 749 (October 18, 1979) Appendix "B". Item #4: "4. Deletion of Sites 9, 10, 26 and 30 from the DMDP."

Dredged Material Disposal Plan (DMDP) Site No. 31

RCP/CRMP Plot No. 48 TRS Map: 18-11-16 Tax Lot(s): 1300, 1500 River Segment: 4

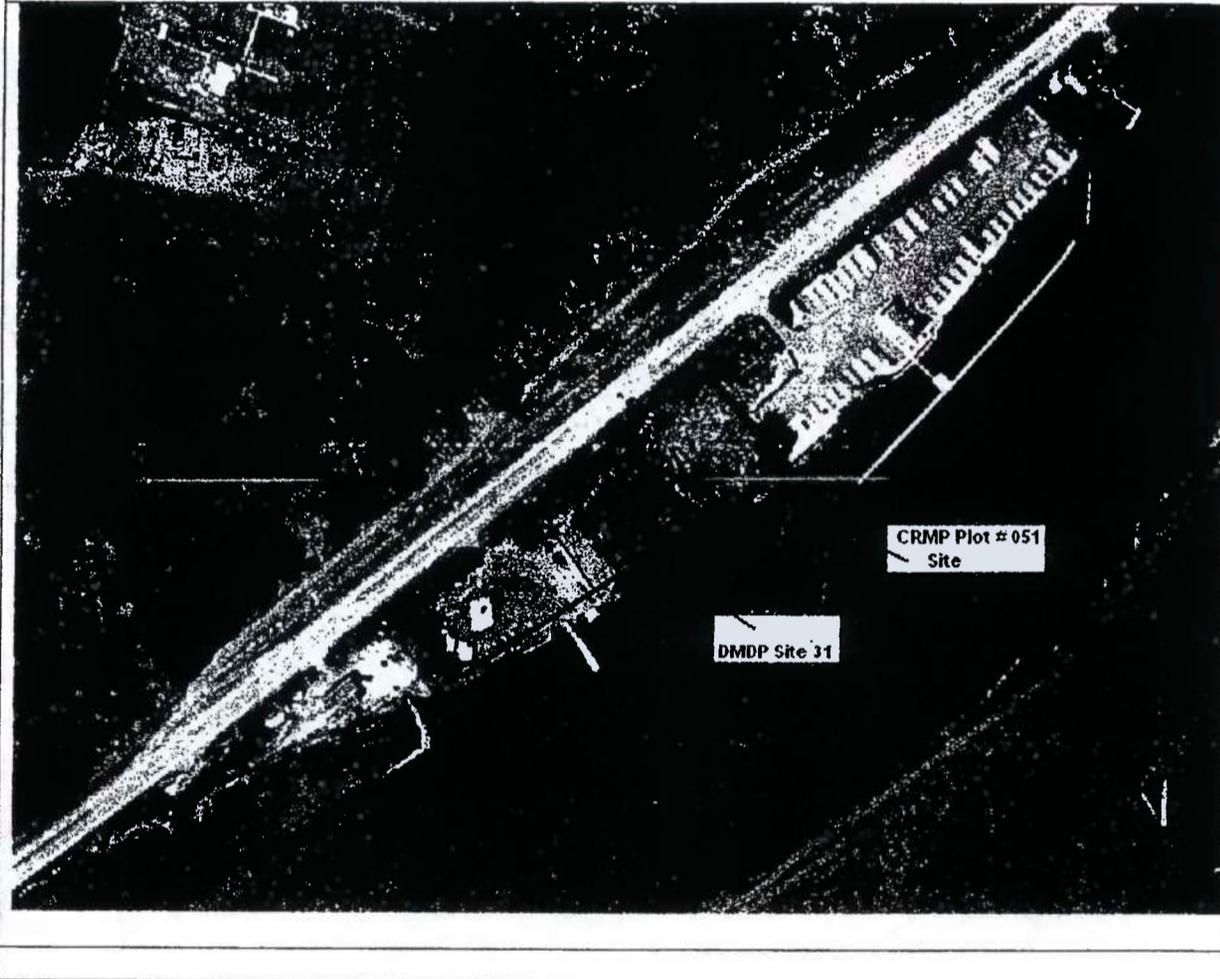
Location: Midway Dock

Vicinity: North side of Siuslaw River, River Mile 10.6

Base Zone: Rural Residential RR5

CRMP Combining Zone: Mixed Development /MD, (M. U. 14)

2004 aerial with site boundaries



Dredged Material Disposal Plan (DMDP) Site No. 32

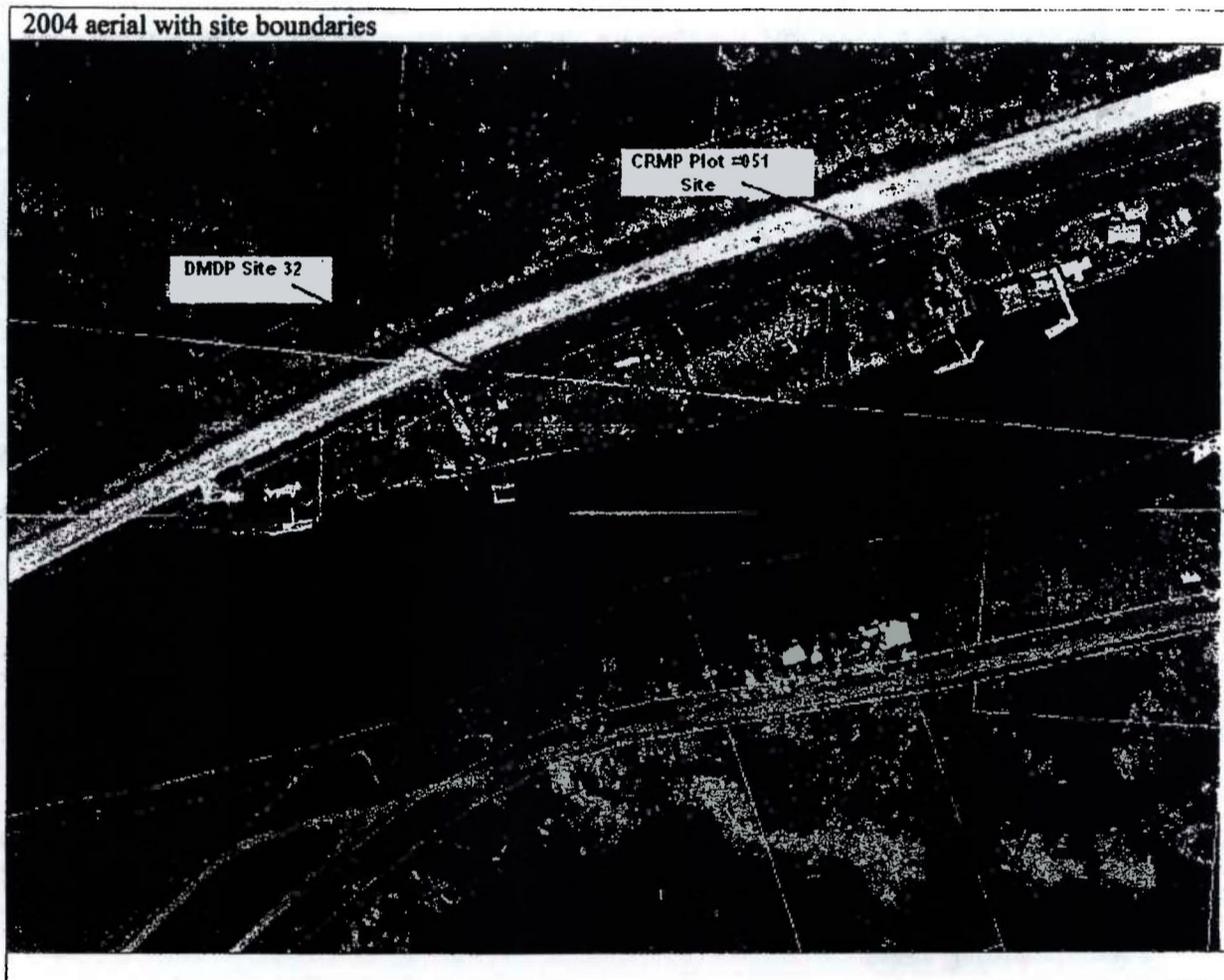
RCP/CRMP Plot No. 51 **TRS Map: 18-11-10** **Tax Lot(s): 600** **River Segment: 4**

Location: 1.6 road miles east of Midway Dock

Vicinity: Highway 126 to the north; Siuslaw River to the south

Base Zone: Rural Residential RR5

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 15)



Dredged Material Disposal Plan (DMDP) Site No. 34

RCP/ CRMP Plot No. 54 **TRS Map: 18-11-30.2** **Tax Lot(s): 8900** **River Segment: 4**

Location: 1,300' west of Duncan Slough Bridge

Vicinity: South of Duncan Slough

Base Zone: Exclusive Farm Use E25

CRMP Combining Zone: Natural Resource Conservation /NRC (M. U. 26)



Dredged Material Disposal Plan (DMDP) Site No. 35

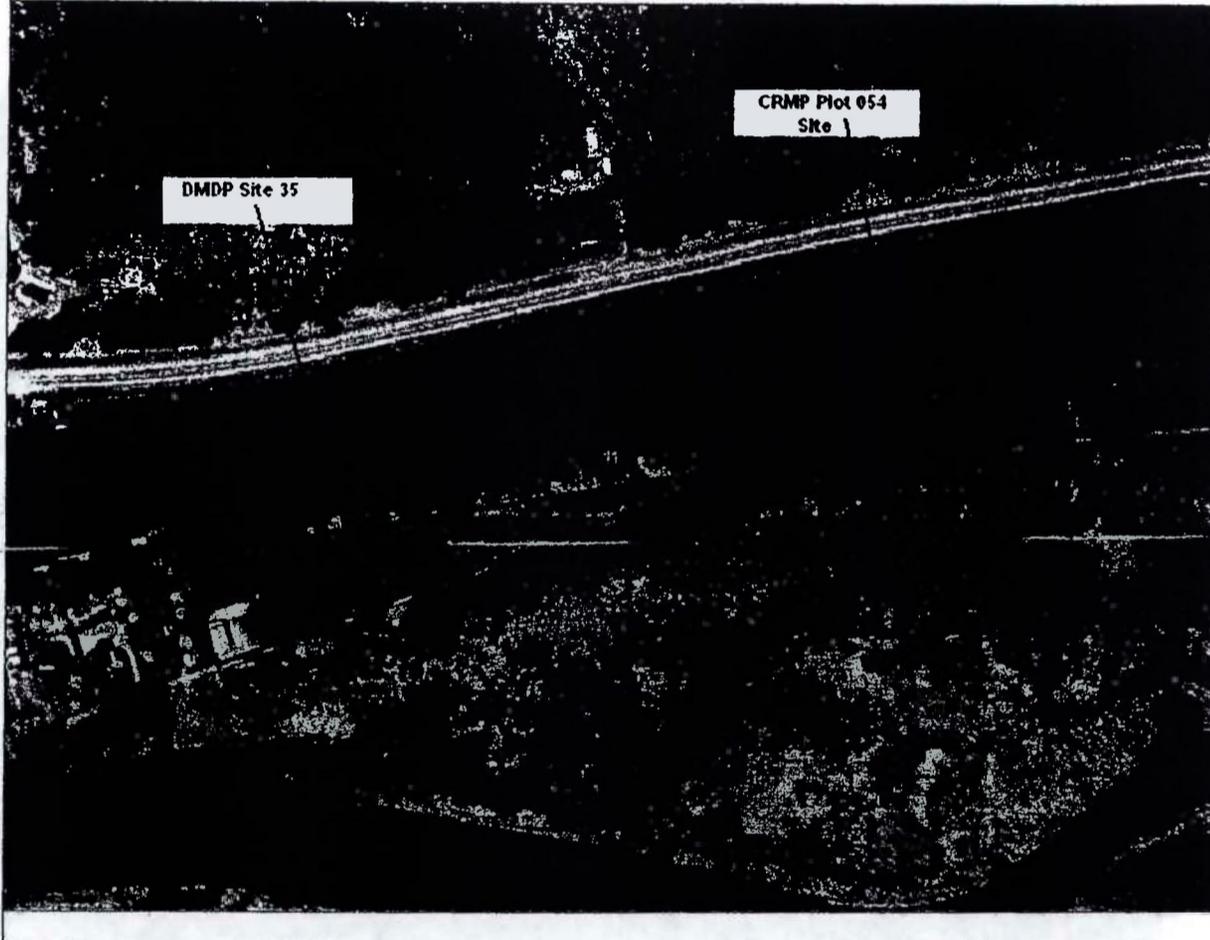
RCP/CRMP Plot No. 54 TRS Map: 18-11-11 Tax Lot(s): 1400 River Segment: 4

Location: 800' east of Duncan Island Bridge

Vicinity: Rural Community of Cushman

Base Zone: Rural Commercial (RC) CRMP Combining Zone: Mixed Development (/MD)

2004 aerial with site boundaries



Dredged Material Disposal Plan (DMDP) Site No. 36

RCP/CRMP Plot No. 54 / 57 TRS Map: 18-11-11 Tax Lot(s): 1400 River Segment: 4
Depicted on TRS 18-11-12

Location: North end of Duncan Island

Vicinity: South of Siuslaw River

Base Zone: Impacted Forest Land (F-2)

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 27)

2004 aerial with site boundaries



Dredged Material Disposal Plan (DMDP) Site No. 37

RCP/CRMP Plot No. 60 **TRS Map: 18-11-12** **Tax Lot(s): 1400** **River Segment: 4**
18-10-07 **Tax Lot(s): 600, 700, 1900**

Location: 1.1 road miles west of Davidson mill

Vicinity: North of Siuslaw River

Base Zone: Rural Residential RR5

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 16)

2004 aerial with site boundaries



Dredged Material Disposal Plan (DMDP) Site No. 38 & 39

RCP/CRMP Plot No. 60

River Segment: 4

Site 38: TRS Map: 18-10-07 Tax Lot(s): 1200

Location: East of Perrin's Landing

Base Zone: Impacted Forest Land (F-2)

CRMP Combining Zone: None

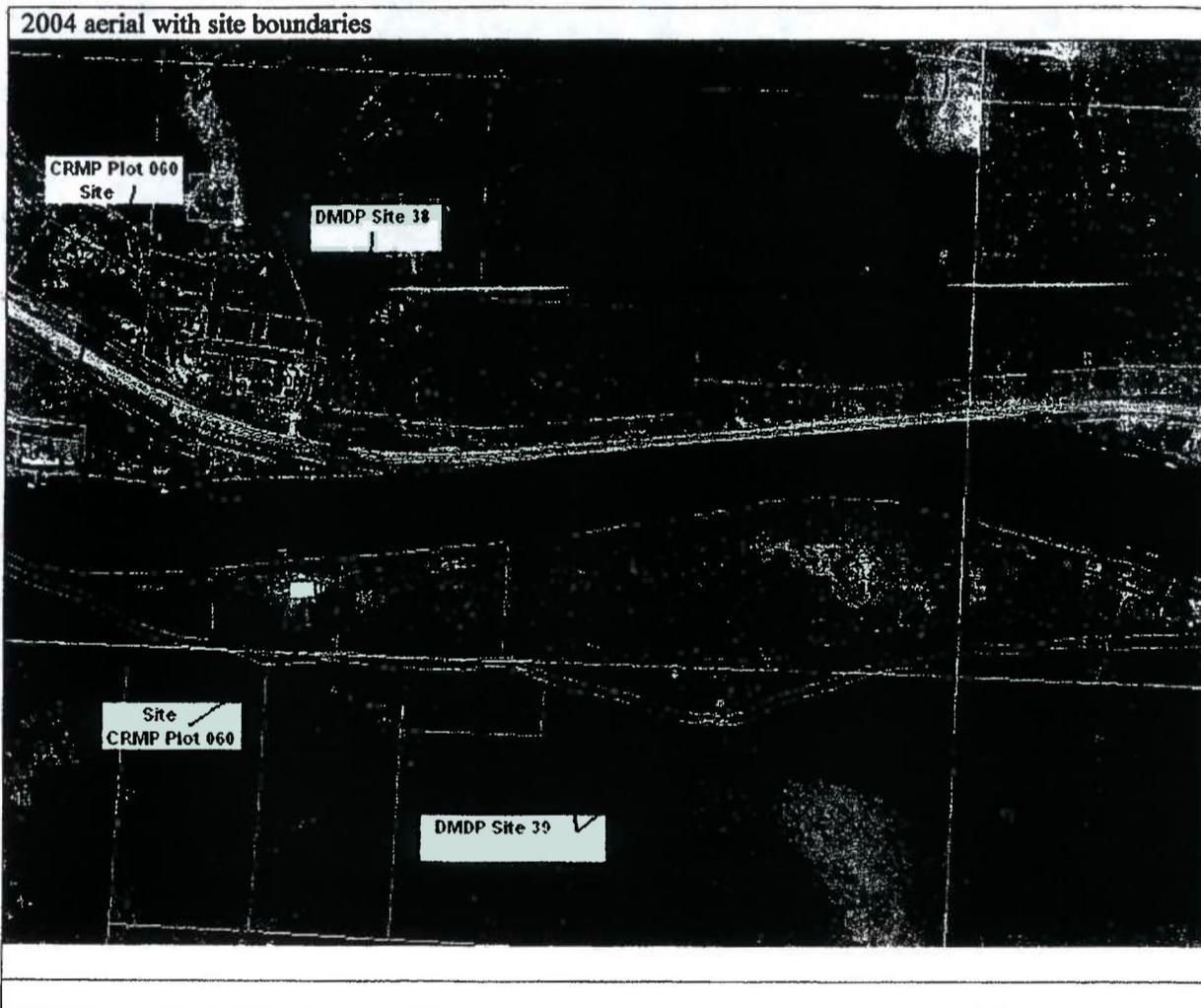
Site 39: TRS Map: 18-10-07 Tax Lot(s): 1501, 1600 and

TRs Map: 18-10-18 Tax Lot(s): 100

Location: South of Siuslaw River; between Perrin's Land and Davidson's Mill

Base Zone: Impacted Forest Land (F-2)

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 26)



Dredged Material Disposal Plan (DMDP) Site No. 40

RCP/CRMP Plot No. 61 TRS Map: 18-10-08.3 Tax Lot(s): 203, 302 River Segment: 4

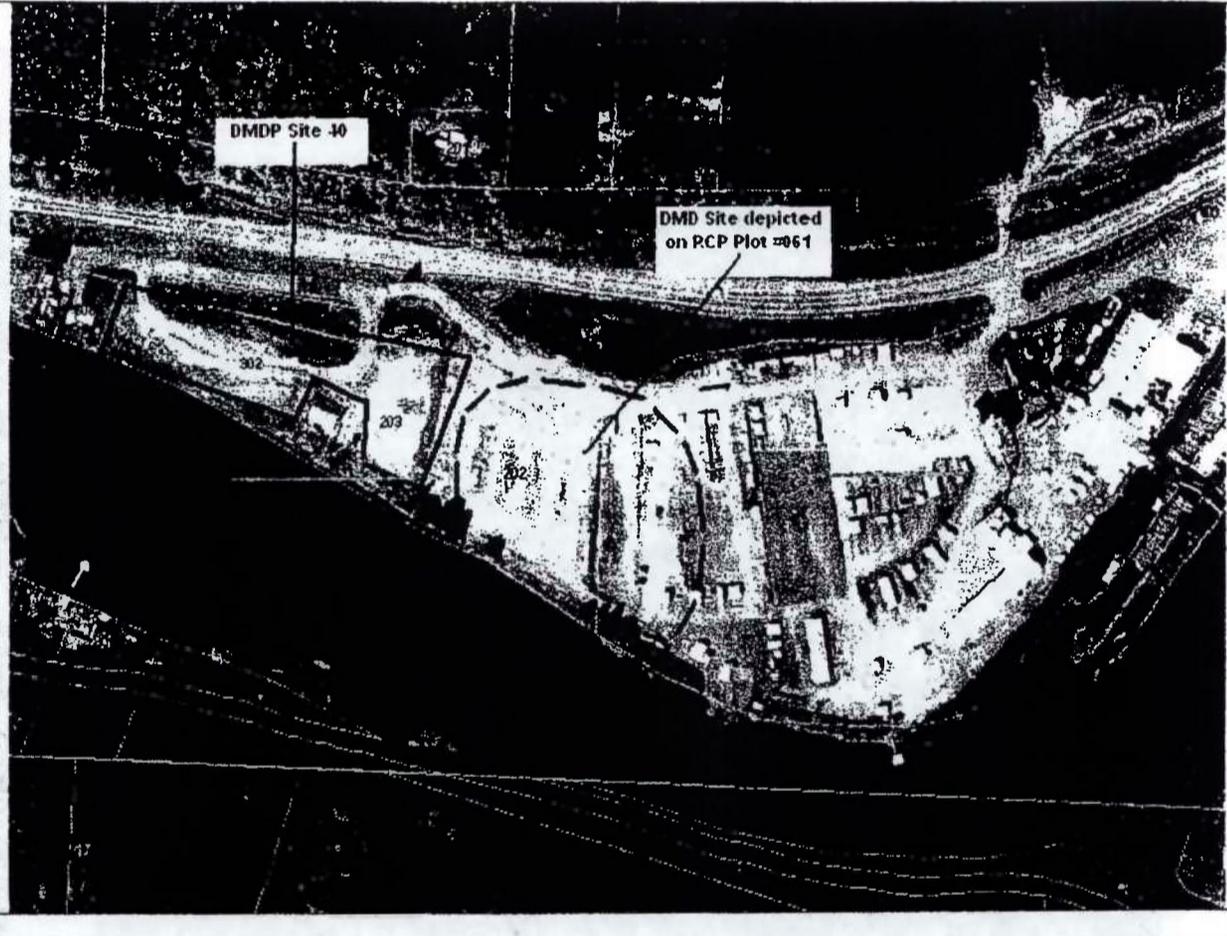
Location: West end of Davidson Mill

Vicinity: C&D Docks

Base Zone: Rural Industrial RI

CRMP Combining Zone: Mixed Development /MD (M.U. 17)

2004 aerial with site boundaries



Dredged Material Disposal Plan (DMDP) Site No. 42

RCP/ CRMP Plot No. 61 - 62

River Segment: 4

Location: 0.4 river miles upstream from Davidson Mill; south bank

TRS Map: 18-10-08.4.4 Tax Lot(s): 100

Base Zone: Impacted Forest Land F2 and Rural Industrial RI

CRMP Combining Zone: Natural Resources Conservation /NRC (M.U. 26)

TRS Map: 18-10-09 Tax Lot(s): 700

Base Zone: Rural Residential RR5

CRMP Combining Zone: Natural Resources Conservation /NRC (M.U. 26)

2004 aerial with site boundaries



DMDP Site 42 is not depicted on Official Coastal Zone Plot 063.

Dredged Material Disposal Plan (DMDP) Site No. 43

RCP/CRMP Plot No. 66 TRS Map: 18-10-10 Tax Lot(s): 1012 River Segment: 4

Location: Immediately east of Russell's Marina; south bank

Base Zone: Exclusive Farm Use E25

CRMP Combining Zone: Residential Development (/RD) (M.U. 24)

2004 aerial with site boundaries



Dredged Material Disposal Plan (DMDP) Site No. 44

RCP/CRMP Plot No. 069 TRS Map: 18-10-11 Tax Lot(s): 2200, 2303, 2305 River Segment: 4
TRS Map: 18-10-10 Tax Lot(s): 1700

Location: West of Davidson Log Yard

Vicinity: Southern end of Rural Community of Mapleton

Base Zone: Rural Residential RR5 and Impacted Forest Land F2

CRMP Combining Zone: Natural Resources Conservation /NRC (M.U. 19)

2004 aerial with site boundaries



Dredged Material Disposal Plan (DMDP) Site No. 45

RCP/CRMP Plot No. 069 TRS Map: 18-10-02.4.3 Tax Lot(s): 2100 (S 1/2), 2200, 2301, 2302, 2400

River Segment: 4

Location: North and northeast of Mapleton community sewage disposal facility

Vicinity: Center of Rural Community of Mapleton

Base Zone: Rural Residential RR1

CRMP Combining Zone: Mixed Development /MD (M.U. 20)



Dredged Material Disposal Plan (DMDP) Site No. 47

RCP/CRMP Plot No. 61 TRS Map: 18-10-08 Tax Lot(s): 501 River Segment: 4
Location: 0.4 miles upstream from Davidson Mill, north bank of Siuslaw River
Vicinity: North of Highway 126 and S.P.R.R. (within right-of-way)
Base Zone: Nonimpacted Forest Land F1
CRMP Combining Zone: None

2004 aerial with site boundaries



CRMP: DMDP Site 47 is not depicted on Official Coastal Zones Plot 061.

Dredged Material Disposal Plan (DMDP) Site No. 48

RCP/CRMP Plot No. 63 TRS Map: 18-10-09 Tax Lot(s): 200, 201, 202, 204

River Segment: 4

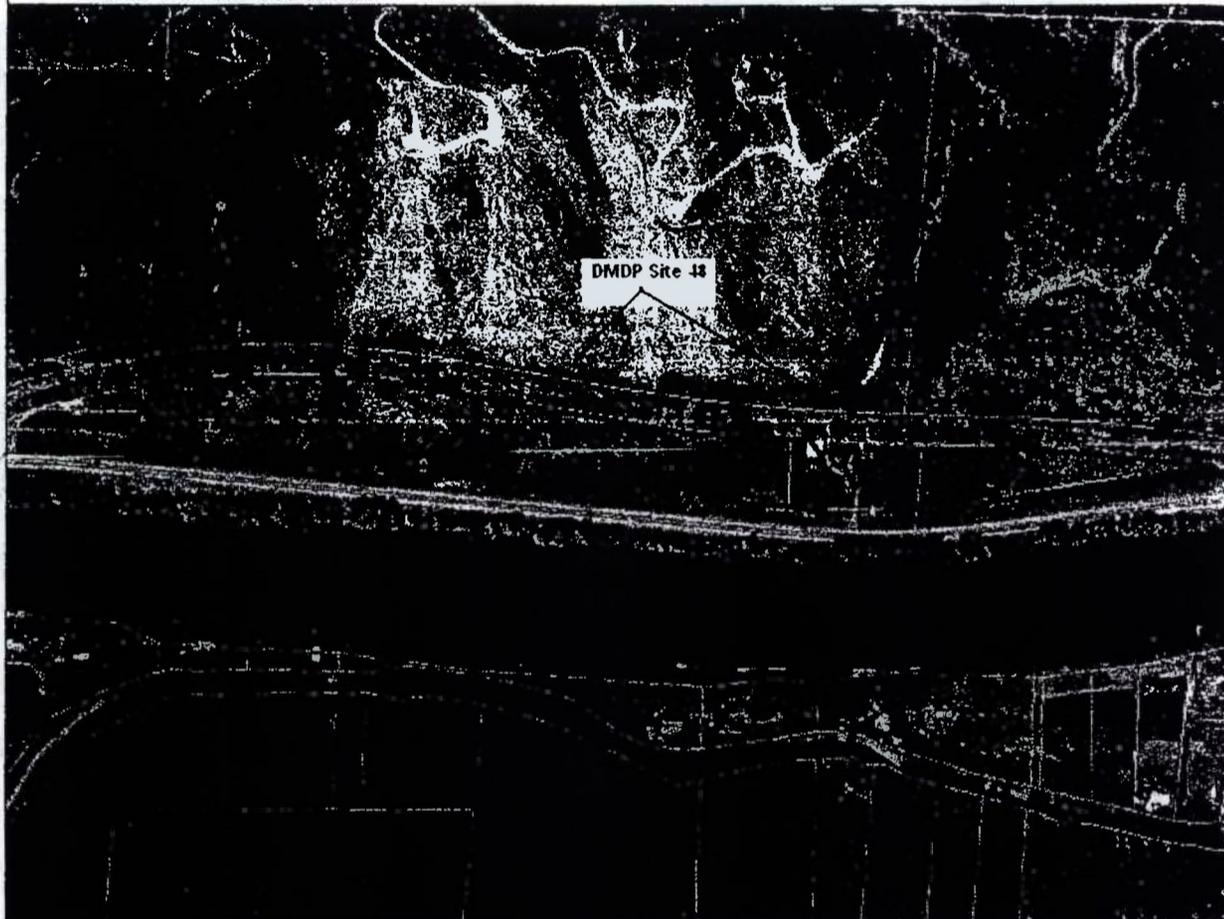
Location: 0.6 miles east of Davidson's Mill, north of Highway 126

Vicinity:

Base Zone: Impacted Forest Land F2

CRMP Combining Zone: Natural Resource Conservation /NRC (M.U. 18)

2004 aerial with site boundaries



CRMP: DMDP Site 48 is not depicted on Official Coastal Zoning Map Plot # 063.

Dredged Material Disposal Plan (DMDP) Site No. ___

Mitigation / Restoration Sites

RCP/CRMP Plot No. 023 TRS Map: 18-12-26 Tax Lot(s): 800 River Segment: 3

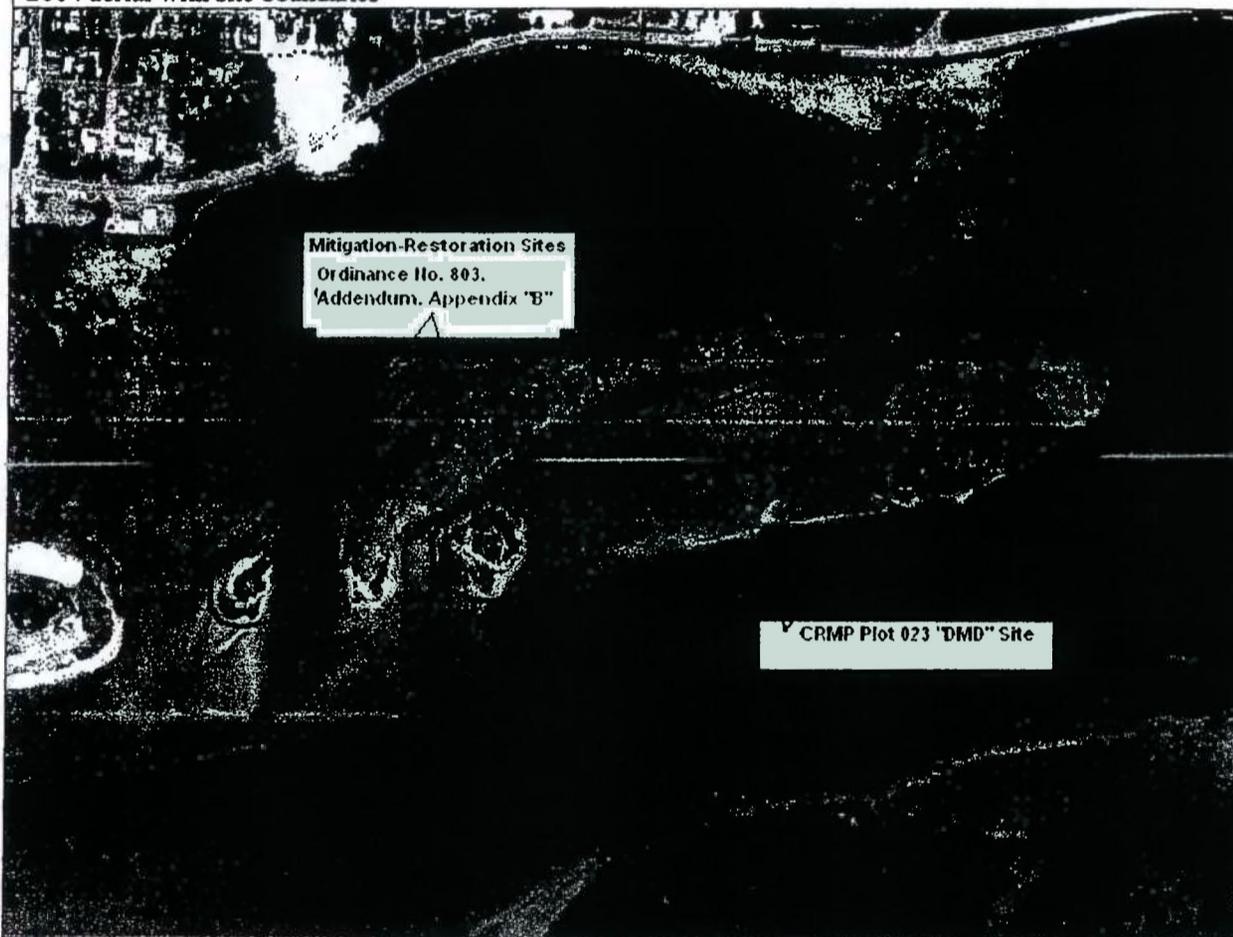
Location: Estuary east of Port of Siuslaw property

Vicinity: Confluence of Siuslaw River and North Fork Siuslaw River

Base Zone: Natural Resource (NR)

CRMP Combining Zone: Natural Area (Estuarine) NE (M.U. "G")

2004 aerial with site boundaries



Mitigation-Restoration Sites
Ordinance No. 803,
Addendum, Appendix "B"

CRMP Plot 023 "DMD" Site

The Board of County Commissioners identified two mitigation and restoration sites with the adoption of Ordinance No. 803 (June 19, 1980). Ref: Addendum to Coastal Goals Compliance Report, Appendix "B", page 1, "Map 1A". Identified and described the two "islands" as shown in the left half of the above aerial photograph.

Ordinance No. PA 1242
Exhibit "D"
Findings of Fact

Finding 1. Rural Comprehensive Plan – General Plan Policies - Goals Sixteen and Seventeen.

The General Plan Policies – Goal Sixteen (Estuarine Resources) and Goal Seventeen (Coastal Shorelands) of the Rural Comprehensive Plan articulate the policies on which the Siuslaw River Dredged Material Disposal Plan (SRDMDP) and the implementing land use regulations are based for the protection of natural resources while still providing for disposal of dredged materials from within the channel of the Siuslaw River.

Finding 2. Siuslaw River Dredged Material Disposal Plan (SRDMDP)

- a. The adoption of the Siuslaw River Dredged Material Disposal Plan (SRDMDP) as a component of the Lane County Rural Comprehensive Plan by Lane County Ordinance No. 749 (August 23, 1979) in the rural areas of the Siuslaw River drainage and by Lane County and the City of Florence in the urban growth boundary and city limits of Florence in 1979, indicated an official acceptance of the SRDMDP by the two jurisdictions plus their designation of the sites identified within it to be used for dredged materials disposal. Two mitigation sites were also identified and adopted by the County and City.
- b. It is the policy of Lane County that the actual acquisition or reservation of sites to be used for purposes of dredged material disposal or for mitigation is the primary responsibility of the Port of Siuslaw, operating within the realm of State, Federal and local regulations. Avenues open to the Port of Siuslaw to obtain designated sites include the purchase of property by fee or easement, direct negotiations with land owners for future use (possibly formalized through deed restrictions or similar instruments), purchase of development rights from landowners, land exchange or other similar procedures.
- c. Use of public measures such as restrictive zoning is not anticipated unless it can be adequately demonstrated that the above-described measures are not sufficient to permit the Port of Siuslaw to obtain needed disposal sites. Where public lands are involved, designation of them in the SRDMDP indicates potential availability of them for disposal or mitigation use, but in no way preempts the City, County or State's rights of negotiation any more than such designation preempts the rights of the private property owner. It is recognized that the adoption of the SRDMDP is in the interest of the public as a whole but it is also acknowledged that the primary benefiting agency is the Port of Siuslaw, and accordingly, it is County policy that the benefiting agency shall be responsible for site acquisition and reservation, and necessary compensation to the affected landowner.
- d. Sites identified by the SRDMDP have public importance in that they may be needed for dredged material disposal activities in the foreseeable future, and such dredging activity is necessary to insure the continued availability of the river channel for commerce and recreational uses. However, not all sites identified will be used for such purposes (either disposal or possible mitigation of other disposal sites), nor can exact times be predicted when any one site might be used. Given both the public importance and uncertainty of need, it is necessary that careful balancing between public and private interests be considered in implementing the SRDMDP. Identification of sites is intended to serve as a statement of public interest and potential acquisition and/or use within the future, as described above.

Finding 3. Lane Code 10.265 and Lane Code 16.242

Lane Code 10.265 (Dredged Material/Mitigation Site Combining District /DMS) for activities within the UGB and city limits of Florence, and Lane Code 16.242 within rural Lane County were implemented after the adoption of the SRDMDP to ensure that sites designated for use for dredged material disposal or mitigation are not developed in a manner which would preclude that use. In general, the Lane Code regulations provide that in the event development is proposed for any identified disposal or mitigation site thereby possibly preempting future use for disposal purposes, Lane County will delay official action on the proposed development for a specified, reasonable period of time to allow an interested public agency (especially the Port of Siuslaw) time to declare its intent to use or acquire the site and begin action accordingly. This approach has not served to preclude development of a site but rather it has served notice to interested agencies that if they wish to acquire or use a given site, they have a clearly defined time period in which to do so. Essentially, the approach amounts to giving the agency "right of first refusal", although a land sale may not be involved. Should the Port or another agency fail to act, the County could then proceed with normal development reviews and decisions.

Finding 4. Siuslaw River Dredged Material Disposal Plan Sites

- a. The DMDP initially included 33 disposal sites:
 - Four sites in River Segment 1 (1, 1a, 2 and 3) between the mouth of the Siuslaw River and river mile 0.5;
 - Seven sites in River Segment 2 (8, 9, 10, 12, 14, 15, and 16) between river mile 0.5 and river mile 4.5;
 - Six sites in River Segment 3 (19, 22, 23, 25, 26, and 27) between river mile 4.5 and river mile 11.0; and
 - Sixteen sites in River Segment 4 (30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 47 and 48) between river mile 11.0 and river mile 19.5.

- b. The Lane County Board of Commissioners adopted the *Siuslaw River Dredged Materials Disposal Plan* (DMDP) on August 23, 1979 (Ordinance No. 749). The adoption also included the following revisions to the 1978 draft:
 - Enlarged Site 22 from the 1.9 acre "baseball cap" site to 9.0 acres;
 - Stipulated that the use of Sites 1a and 8 were "to occur in concert with stated concerns of Oregon Dunes National Recreational Area (ODNRA), as stated in a correspondence dated October 9, 1979 to Paul Coyne, Port of Siuslaw Manager";
 - Deleted Sites 9, 10, 26 and 30 from the DMDP;
 - Added a new site, Site 25a, "with use to occur only after site configuration is approved by state and federal agencies with review/comment and sign-off authority"; and
 - Placed discussion on the feasibility of a new site, Site 19a, on hold until it had "received approval agency clearances."

- c. The Lane County Board of Commissioners adopted the *Coastal Goals Compliance Report* with an *Addendum* on June 19, 1980 (Ordinance No. 803). This action included the recognition of the need for designated mitigation and restoration sites in the Siuslaw estuary. The Board identified "Two small islands which consist of high salt marshes and more terrestrial shrubby are designated as mitigation sites. Over-burden removed from

these islands to create intertidal or subtidal environments here must not be deposited in the remainder of this M.U.” (management unit).

- d. Two years later, on June 19, 1982, the Board of County Commissioners amended the DMDP with the adoption of Ordinance No. 861. This action included new maps and descriptions for Sites 19a, 22, 25a, and 27.
- e. On March 16, 1983, the Board of County Commissioners concluded the speculation on Site 19a with the adoption of Ordinance No. 876 and Ordinance No. 877:
 - “Delete the description of Site 19A added by Ordinance 861, Appendix A, Page 1 of 5, and addendum”; and
 - “Delete the map of Site 19A added by Ordinance 861, Appendix A, Page 3 of 5.”

Finding 5. Funded in part by a Technical Assistance grant (TA –R-07-009) in 2006-2007, by the Oregon Department of Land Conservation & Development (DLCD); Lane County, the Port of Siuslaw and the City of Florence have identified circumstances in support of amending the disposal site inventory and adoption of a clarifying addendum of the SRDMDP.

Finding 6. Lane Code 16.400: Lane Code 16.400(1) provides the implementing guidelines for Rural Comprehensive Plan amendments:

Lane Code 16.400 Rural Comprehensive Plan Amendments

(1) *Purpose.* The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

Finding 7. Lane Code 16.252(1): This section of Lane Code requires that as the Rural Comprehensive Plan (RCP) for Lane County is implemented, changes in zone or amendments to components of the RCP and other requirements of this chapter will be by ordinances.

Finding 8. Lane Code 16.252(2) requires that the Siuslaw River Dredged Material Disposal Plan be consistent with the specific purposes of the Statewide Planning Goals as implemented by the Coastal Resource Management Plan management units, Lane Code, and

- RCP General Plan Policies – Goal 16 Estuarine Resources, Conservation Estuary Policy 3, and Development Estuary Policies 1, 2, and 3; or
- RCP General Plan Policies – Goal 17 Shorelands Resources: Significant Natural Area Policy 3; Prime Wildlife Area Policy 9; Natural Resource Conservation Policy 2; Residential Development Policy 4; and Mixed Development Policy 7.

Based on the findings below, Ordinance No. PA 1242 complies with applicable state laws and Statewide Planning Goals.

- a. Statewide Planning Goal 2 requires, “Opportunities shall be provided for review and comment by citizens during the preparation, review and revision of plans and implementation ordinances.” Lane County provided the opportunities identified below for citizens to review and comment on the preparation and review of Ordinance No. PA 1242. These opportunities were adequate to comply with Goal 2.

- On April 16, 2007, LMD mailed to the Oregon Department of Land Conservation and Development (DLCD) a notice of the public hearing and pending adoption of amendments to the SRDMDP.
 - On May 16, 2007, a legal ad was published in *The Register Guard*, providing notice of the Lane County Planning Commission public hearings in Harris Hall of the Lane County Public Service Building on June 5, 2007, at 7:00 P.M.
 - On May 22, 2007, written notices were mailed to adjacent and nearby property owners surrounding the subject property, proposed Site 10, informing the property owners of the date, time and place of the Lane County Planning Commission public hearing.
 - On June 5, 2007, the Lane County Planning Commission (LCPC) conducted a public hearing on the proposed amendments to the SRDMDP (Ordinance No. PA 1242) to add Site 10, delete Sites 15 and 16, and adopt a clarifying Addendum to the SRDMDP.
 - In deliberations on June 5, 2007, the Lane County Planning Commission unanimously (9-0) approved a recommendation to the Board of Commissioners to deactivate SRDMDP Sites 15 and 16;
 - In deliberations on June 5, 2007, by a vote of 5 to 4, the Lane County Planning Commission approved a recommendation to the Board of Commissioners to add the proposed Site 10 to the SRDMDP;
 - In deliberations on June 5, 2007, by a vote of 7 to 0 with two members abstaining, the Lane County Planning Commission approved a recommendation to the Board of Commissioners that the Board direct staff to secure grant funding and proceed with a work program for evaluation of available scientific analysis and prioritizations for possible future revisions to the SRDMDP site inventory.
 - In deliberations on June 19, 2007, by a unanimous vote of 6 to 0, the Lane County Planning Commission approved a recommendation to the Board of County Commissioners that the Board adopt the July 2007 Addendum to the Siuslaw River Dredged Material Disposal Plan to clarify the adopted 1979 site boundaries as designated on current (2004-2005) aerial photographs, and to address incorrectly designated locations of SRDMDP Sites 1a, 8, 19, 22, 23, 25-25a, 27, 31, 32, 34, 35, 36, 37, 38-39, 40, 43, 44, 45, and the Mitigation & Restoration Site east of Site 23, on 1984 Official Coastal Maps Plots 011, 013a, 023, 030, 039, 044, 048, 048, 051, 054, 054, 054-057, 060, 060, 061, 066, 069, 069 and 023 respectively, while not endorsing or opposing the potential use of any existing sites.
 - On July 25, 2007, a legal ad was published in *The Register Guard* providing notice of the Board of County Commissioners public hearing in Harris Hall of the Lane County Public Service Building at 1:30 PM on August 29, 2007.
 - On July 25, 2007, written notices were mailed to adjacent and nearby property owners surrounding the subject property, proposed Site 10, informing the property owners of the date, time and place of the Lane County Board of Commissioners' public hearing on August 29, 2007.
 - On August 29, 2007, the Board of County Commissioners conducted a public hearing on Ordinance No. PA 1242: the proposed amendments to the Siuslaw River Dredged Material Disposal Plan (SRDMDP).
- b. Ordinance No. PA 1242 acknowledges the written testimony and documentation, and citizen comments received during the LCPC public hearings on June 5, 2007, and submitted into the official record thereafter.
- c. Ordinance No. PA 1242 acknowledges the deliberations of the LCPC on June 5 and June 19, 2007, and their findings of fact, conclusions, and recommendations to add Site 10,

delete Sites 15 and 16, adopt an Addendum to the SRDMDP, and to place a high priority on a future work program to evaluate the need for further amendments to the SRDMDP sites based on currently available intertidal wetlands analysis and prioritization.

- d. Ordinance No. PA 1242 acknowledges citizen testimony received during the Lane County Board of Commissioners public hearing on August 29, 2007.

Finding 9. Proposal to add DMDP Site 10 to the SRDMDP inventory.

SRDMDP Site 10 was initially proposed in 1978 by Wilsey and Ham as a dredged material disposal site located southeast of the Siuslaw Pacific Marina and east of Rhododendron Drive. It was owned by Lane County at the time and was deleted from the SRDMDP site inventory by the Board of County Commissioners on October 18, 1979 (Ordinance No. 749, Appendix "B" Item 4.) The Port of Siuslaw acquired the 3.3-acre Site 10 when it acquired tax lot 701 (38.46 acres) of Assessor's map 18-12-22 in 1999. The 1978 boundaries of Site 10 were approximately 1,200 feet in length running parallel to the eastern right-of-way of Rhododendron Drive with an average width of 120 feet.

On April 13, 2007, the Port of Siuslaw sent a written request to the City of Florence and Lane County requesting SRDMDP Site 10 as plotted and described in the 1978 DMDP (Wilsey & Ham), be reactivated.

The Planning Commission reviewed the proposal to add DMDP Site 10 to the SRDMDP inventory and heard testimony on June 5, 2007, from a representative of Siuslaw Manor subdivision on the potential impacts of depositing dredged materials on the site and the subsequent subsurface flows of water from the dredged materials to the west, off-site and through the residential lots of Siuslaw Manor.

The Board of Commissioner's heard testimony from Sandi Tomlinson, a property owner representing homeowners of lots within the Siuslaw Manor subdivision. Mr. Tomlinson's concerns focused on the potential for the deposit of dredged materials in Site 10 to add significant amounts of additional water to the subsurface and surface drainage patterns of the dunes on Site 10 that could pass as subsurface flows under Rhododendron Road and into the residential development and adversely affect the stability of the lots and existing development.

Since the proposed DMDP Site 10 is within the city limits of Florence, the Board of County Commissioners elected to remove Site 10 from consideration for addition to the DMDP inventory until such time as the City of Florence had reviewed the merits of adding Site 10 to the DMDP and had acted on the proposal.

The Board of Commissioners directed staff to revisit the merits of DMDP Site 10 when the County coordinates with the Port of Siuslaw, Corps of Engineers, and City of Florence in an expanded study of the DMDP in 2008.

Finding 10. Deletion of SRDMDP Sites 15 and 16 from the SRDMDP inventory.

SRDMDP Sites 15 and 16 are located downriver from the Highway 101 Bridge and on the northern shoreline of the Siuslaw River.

SRDMDP Site 15 includes the southern portion of the City of Florence Sewage Treatment Plant. This portion of the treatment plant includes structures, treatment facilities and other development within parts of 27 tax lots and the old right-of-way of Rhododendron Drive. The site is deemed

to be sufficiently developed to eliminate it from further consideration for future dredged materials disposal.

SRDMDP Site 16 encompasses five tax lots and the tract is completely developed with six multi-family residential structures. The site is deemed to be sufficiently developed to eliminate it from further consideration for future dredged materials disposal.

SRDMDP Sites 15 and Site 16 were unilaterally removed from the SRDMDP site inventory by the City of Florence with the adoption of Ordinance No. 7, Series 2004 on May 17, 2004. Lane County's adoption of Ordinance No. PA 1242 would co-adopt the City's amendments in 2004 to the SRDMDP within their jurisdictional boundaries (city limits).

The boundaries of Site 15 as designated are attached to Ordinance No. PA 1242 as Exhibit "A" – DMDP Site 15 (Deletion) – Depicted on 2004 Aerial Photograph.

The boundaries of Site 16 as designated are attached to Ordinance No. PA 1242 as Exhibit "B" – DMDP Site 16 (Deletion) – Depicted on 2004 Aerial Photograph.

Finding 11. Adoption of an Addendum to the SRDMDP.

The differences between the adopted site configurations on some of the 1978-79 SRDMDP sites and the sites as depicted five years later on the Official Coastal Zones plots circa 1984, require clarification by the County. The "official" sites are those drawn on the 1978 aerial photographs and adopted as a component of the Siuslaw River Dredged Materials Disposal Plan (SRDMDP) on August 23, 1979 (Ordinance No. 749). The countywide effort in 1983-84 to adopt a complete set of Official Zoning Maps - Plots 001 through 637 and Plots 1001-1015 and Official Coastal Zones – Plots 001-070, resulted in some scrivener errors. The most practical remedy is to replot the original 1979 DMDP sites, as adopted on 1978 aerial photographs, on the most recent aerial photographs (2004) and attach the clarifying aerial photographs with the site configurations as an Addendum to the SRDMDP. This will allow a precise review by comparison between the 1978 and 2004 aerials and negate the confusion posed by the 1984 scrivener errors on the Official Coastal Zone maps. The Addendum is attached to Ordinance No. PA 1242 as Exhibit "C" – Addendum to the Siuslaw River Dredged Material Disposal Plan, July 2007.

* * *