



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

November 16, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Reedsport Plan Amendment
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 28, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Janelle Evans, City of Reedsport

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FORM 2

D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18
(See reverse side for submittal requirements)

DEPT OF

NOV 08 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Reedport Local File No.: _____
(If no number, use none)

Date of Adoption: 11-6-06 Date Mailed: 8-16-06 11-6-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8-16-06

☒ Comprehensive Plan Text Amendment ☒ Comprehensive Plan Map Amendment
☐ Land Use Regulation Amendment ☒ Zoning Map Amendment
☐ New Land Use Regulation ☐ Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

The applicant is requesting to change the zoning from
Water Dependent to Multifamily residential. Change Comp
Plan designation from industrial to residential and
adopt appropriate Comp Plan text. Approval of the
amendment will allow construction of up to 400 town homes.

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."

Same

Plan Map Changed from: Industrial to residential

Zone Map Changed from: Water Dependent to multiresidential

Location: T21 R12 S34 T2 300 Acres Involved: 17

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 5, 7, 9, 10, 12, 14, 16 & 17

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-06
(15213)

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: X 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: DLCD, ODFW
ODFW

Local Contact: Jonelle Evans Area Code + Phone Number: 541-271-3603

Address: 451 Winchester Ave

City: Reedsport OR Zip Code+4: 97467

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.

CITY OF REEDSPORT
451 WINCHESTER AVE.
REEDSPORT OR 97467
(541) 271-3603

COMPREHENSIVE PLAN MAP AMENDMENT
REEDSPORT CITY COUNCIL
FINAL ORDER

Applicant: Reedsport Real Estate Dev. LLC
120 N 7th St.
Reedsport OR 97467

Location: T21 R12 S34 TL 700
Former Roseburg Resources Site

Request: To change the Comprehensive Plan Map designation on the subject property from industrial to residential and make the appropriate text amendments.

Order: Conditionally approved.

Date of Action: November 6, 2006

Appeal Provisions: A decision by the Reedsport City Council can be appealed to the Land Use Board of Appeals pursuant to ORS 197.830 (8) no later than 21 days after the date the decision became final.

Decision Criteria and Findings: See Attachment "A".

Final Action: The Reedsport City Council voted to adopt the Planning Commission's findings and recommendation to change the Comprehensive Plan map designation from industrial to residential and make the appropriate text amendments..


Janelle Evans, Planner

November 6, 2006
date mailed

EXHIBIT "A"

DECISION CRITERIA #1: There is a need for the proposed change.

FINDINGS:

- 1a. The subject property is approximately 33.8 acres in size with a portion of the property zoned as heavy industrial (14.1 acres) and the border of the property as water dependent (19.7 acres) industrial. The Comprehensive Plan designation for the entire site is industrial.
- 1b. The applicant's proposal is to remove the water dependent portion of the property from industrial to residential and reconfigure a portion of the heavy industrial area so that it includes the existing building. The reconfiguration of the heavy industrial zone will result in no net loss of the acres zoned for heavy industrial.
- 1c. In June of 1999 the Umpqua Regional Council of Governments completed a buildable lands inventory for the City of Reedsport. General policy number 8 was added to the land use section which incorporated the buildable land use inventory by reference; however, the old language in this section was never deleted to coincide with the new information. This section of the Comprehensive Plan will need to be cleaned up by the City. A copy of the buildable lands inventory (BLI) has been included in appendix A of the Comprehensive Plan.
- 1d. Further review of the adopted buildable lands inventory for the City of Reedsport has revealed the following:
 - The actual maps, buildable land by zoning class, buildable and built out lands by zoning class, redevelopable lands and acreages are correct.
 - In the text document Part 1 General information: This section is correct. Part 2 Buildable Lands Inventory Findings: This is partially finished. The tables are correct as far as number of acres available in each zone but the text is not completed. Part 3 Reedsport Housing Mix and Density Study Findings: This portion seems to be correct. Part 4 Reedsport Housing Needs Analysis Findings: None of the text in this section is correct. The city name was changed from Roseburg to Reedsport but none of the data was changed.

The City will need to correct this section of the Comprehensive Plan.

- 1e. The applicant has relied on the erroneous Buildable Lands Inventory text to support the rezone. All supporting documentation based on the text of the buildable lands will not be considered. In particular that means exhibit C of the applicant's housing analysis (exhibit I), and exhibit O of the main application.

- 1f. The Reedsport buildable lands inventory by zone classification map is correct and identifies the following sites for multi residential:
Parcel 1-corner of Hwy 38 and 2nd Street. (Douglas County Shops)
Parcel 2- Holly Knolls
Parcel 3-Hawthorne Ave. between 14th & 16th Ave.
Parcel 4 Umpqua Mobile Village
Parcel 5: South end of 22nd Street.
Parcel 6: Highland Mobile Park
Parcel 7: Schofield Properties off of Westwood Ct.
Parcel 8: Providence Point
- 1g. The applicant has completed and submitted as exhibit I a housing analysis that utilizes the map inventory of multi residential land and updates the availability of each site. Parcels 2, 4, & 6 are developed with Mobile Home Parks which are completely full. Parcel 7 has been subdivided into single family dwelling lots. Parcel 8 has received planning approval for a 40 lot subdivision for single family dwellings. Parcel 1 is the Douglas County Shops which is not available for development. The only two remaining parcels are Parcel 3 which is relatively small and parcel 5 which is a large parcel with some steep slopes.
- 1h. Section VII Land Use Goals and Policies: Policy 3 under residential policies restricts the building of multi family dwellings on slopes greater than 20%. It specifically states: *In areas planned for residential development with slopes of 20% or greater, the maximum density shall be two dwelling units per acre except in approved subdivisions.* The only remaining land zoned for multi family dwellings has slopes that exceed 20%.
- 1i. The applicant has submitted letters from the Lower Umpqua Hospital, Lower Umpqua Economic Development Forum and Dunes Family Health Care attesting to the shortage of available housing and supporting the project (exhibit J & K).
- 1j. The Reedsport Buildable lands inventory map (which is correct) indicates there is a total of 97.08 acres of industrial land within the City of Reedsport. Of the 97.08 acres there is 6.14 acres built out and 73.03 acres of constrained land leaving a total of 17.91 acres of readily developable industrial land. Constrained land is land that is either located within the flood plain (such as this property), has wetlands or slopes in excess of 20%.
- 1k. Because the subject property is considered constrained industrial land it's removal from an industrial designation will reduce the total industrial constrained lands by 19.7 acres but will not affect the total readily available industrial land.
- 1l. Section VII page 12 of the Reedsport Comprehensive Plan discusses the potential need for industrial land based on the Douglas County Coastal area which includes Gardiner and Winchester Bay. This section of the Comprehensive Plan has not

been updated since 1991. At that time it indicated that the County determined that by the year of 2000 there would be a need for an additional 243 acres of industrial land in the area. Of the 243 acres, 215 acres within the City's Urban Growth area and City limits were designated for future industrial. At the time this statement was made both International Paper and Bohemia were operating. Since then both of these companies have closed and removed the buildings on their sites creating approximately 348 acres of vacant industrial land.

- 1m. Not included in the industrial buildable land inventory is 98 acres on Leeds Island within the City's Urban Growth Boundary. This land is currently zoned agriculture resource but the City's Comprehensive Plan identifies it as reserve industrial land with an industrial Comprehensive Plan designation. Section VII page 13 discusses the possible future potential of industrial use for this property.
- 1n. Section VII page 17 Land Use Policies of the Comprehensive plan policy #3 addresses Leeds Island. It states: Leeds Island industrial area shall be held in resource use until such time as the necessary facilities and the bridge crossing of Schofield River are available to serve it.

DECISION CRITERIA #2: The identified need can best be served by granting the change requested.

FINDINGS:

- 2a. Section V Economic Element of the Reedsport Comprehensive Plan Policy #1 states: *City zoning and land use planning shall assure that there is a sufficient vacant commercial and industrial property for economic growth and stability to meet the needs of the future, taking into consideration identified current trends.*
- 2b. In 1997 an Economic Diversification and Business Recruitment Strategy study was done for Reedsport and West Douglas County. This document has been recognized by policy #14 in Section V Economy of the Reedsport Comprehensive Plan. The policy states: The City recognizes the document entitled Economic Diversification and Business Strategies prepared for the City by ELESKO, LTD dated Sept. 1997.
- 2c. According to the June 13, 2000 Planning Commission meetings discussion was held regarding the relevancy of the above document. It was deemed as being worthy of being recognized as good information.
- 2c. Section 2 page 27 of the Economic Diversification Study provides a conclusion that: *Reedsport does not have any established industrial or office parks that can be effectively utilized to recruit new firms to the area. There are a few vacant buildings and one developer has plans to develop a multi-tenant complex, but opportunities are limited to match these facilities with the site and space*

requirements of individual companies. Opportunities to site new companies in Reedsport appear to be limited to smaller firms that could either adapt existing vacant buildings or could develop their own sites.

- 2d. Section 3 of the Economic Diversification Study evaluates the industrial lands available in Reedsport, Winchester Bay and Gardiner. Page 3-6 specifically addresses the subject property. A geotechnical evaluation of the property in 1996 found that there are an estimated 10 to 15 feet of wood and debris fills overlaying an undetermined thickness of native soils on this site and that the site is located within the flood plain. These features do not preclude development, but it would probably be necessary to support any structures with pilings and raise the floor elevations above the flood plain. These constraints are mostly a matter of costs.

The report further states that if the new industrial uses could sustain the costs of site development this is one of the better sites. A detailed feasibility analysis would be required to determine this. It might also be able to support some higher value commercial uses along the highway frontage, with additional tourist-commercial uses along the waterways, still leaving 10-15 acres and the existing buildings for industries. A mixed use development, including some multi-family housing units, could also be considered.

- 2e. The applicant has submitted as exhibit G a geotechnical engineering evaluation that supports the 1996 evaluation. Their submitted proposal is similar to the recommended use in the Economic study. They are proposing to reconfigure the existing heavy industrial area to include the existing buildings and parking areas. On the remainder of the property they are proposing to construct multi family housing.
- 2e. **The applicant has submitted a supplemental letter for exhibit G from the geotechnical consultant Galli Group evaluating the use of the property for heavy industrial. The letter concludes in their opinion the subject property is not a prime site for heavy industrial development. The location, lack of deep water harbor, lack of nearby special resources, lack of primary transportation routes and cost of site development , coupled with the availability of numerous more desirable industrial parcels in Oregon makes this site impractical for heavy industrial use**
- 2f. Economic Diversification Study, Section 3 page 10 of the industrial lands evaluation concludes with the assessment that most of the sites will require that any new users deal with significant development challenges. They recommend that Reedsport offer smaller sites within the city limits that are suitable for buildings in the size range of 5,000 to 15,000 sq. ft. which appear to have more potential for commercial uses than industrial uses. Larger requirements can be met only at sites that will require remediation, redevelopment or extensive site development work.

- 2g. Economic Diversification Study, Section 4 page 23 addresses non-industrial development opportunities. It specifically states a key constraint to future development in Reedsport is the lack of housing combined with the shortage of buildable residential lots. They state that the substantial population increases in Florence is not a result of an expansion of their employment base but a result of retirees moving to the coast. Reedsport could also benefit in this trend, especially with its excellent hospital facilities if it could provide the necessary housing. This would add substantial employment and income during the construction period as well as on going new revenues to local businesses. They recommend that Reedsport aggressively pursue more residential development.
- 2h. The applicant has submitted supplemental information from the Oregon Economic and Development Commission that demonstrates the conclusions made in the Economic Diversification Study are accurate. Exhibit B, is a document that graphically depicts distressed counties in Oregon. That document identifies Douglas County as a "severely distressed" county in 2005, with a distressed index of approximately 0.7. Attached as Exhibit C is a document that indicates that in 2005, and over the past 11 years, Douglas County has had one of the highest unemployment rates in the state. Turning more specifically to manufacturing, Exhibit D shows that the level of employment due to manufacturing as a percentage of total private employment has declined in Oregon over the period 1995 to 2005. Attached as Exhibits E and F are, respectively, the current Oregon Employment Department Workforce and Economic Research reports for Oregon and Douglas County. The data in those reports show declines in natural resources mining, and manufacturing.
- 2i. The areas of growth and decline shown in Exhibits E and F are the same growth and decline areas predicted by the materials incorporated into the Comprehensive Plan. Furthermore, these data also confirm those reports' concerns that Douglas County and the Reedsport area have not been keeping up with these changing trends and have not received their fair share of this economic growth.
- 2j. Exhibits B through F demonstrate that the analysis and recommendations presented in the Economic Diversification and Jarmin studies were accurate and appropriate when prepared and remain sound today. In general, there has been a shift away from heavy industry and manufacturing towards professional and business services, health care, and tourism. The relevant issue here concerns the conclusions presented in those reports that there is less opportunity and need for industrial and manufacturing sites in the Reedsport area and that the community should target its economic development efforts in other areas.

DECISION CRITERIA #3: The proposed change is not in violation of state land use goals, statutes and rules.

FINDINGS:

3a. The following statewide planning goals are applicable to this application:

Goal 5: Open spaces, scenic and historic areas and natural resources. To conserve open space and protect natural and scenic resources.

Goal 6: Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Goal 7: Areas subject to Natural disasters and hazards. To protect life and property from natural disasters and hazards.

Goal 8: Recreational needs. To satisfy the recreational needs of citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 9: Economic Development. To provide adequate opportunities for a variety of economic activities.

Goal 10: Housing. To provide the housing needs of citizens of the state.

Goal 11: Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 12: Transportation. To provide and encourage a safe, convenient and economic transportation system.

Goal 13: Energy conservation. To conserve energy

Goal 16: Estuarine resources: To recognize and protect the unique values of each estuary and associated wetlands.

Goal 17: Coastal shore lands. To conserve, protect, where appropriate develop and where appropriate restore coastal shorelands.

3b. The applicant has completed an Economic, Social, Environmental and Energy (ESEE) analysis to assess potential impacts to the Goal 5 resources on the site. The property has been identified with the following goal 5 resources:

- ✓ Fish and wildlife habitat,
- ✓ wetlands on the eastern side of the site and riparian corridor along the

- shorelands.
- ✓ water areas
- ✓ ground water resources

The potential conflicts resulting from the proposal include loss of vegetation, erosion run off, fill in wetlands or the riparian corridor resulting from construction activity, pollution impact from stormwater run off and degrading of the resources due to potential increased human habitation.

- 3c. The applicant makes the following findings in their ESEE analysis that was completed for the project:

Economic? (Loss or increase in income):

The potential negative impact on the property from the two resources, if all development/use of the property were prohibited, would be significant. This site is one of the larger undeveloped sites in the City and it has great development potential. A prohibition of all development on the property would constitute a significant loss in city and personal income and in property value.

Limiting development would likely protect the identified resources while reducing the negative economic impact from the listed Goal 5 resources. Permitting development around the wetlands, while mitigating for possible impacts, will allow portions of the site to be developed without adversely impacting the documented wetlands. The economic gain from the proposal would come from the development of the site (short term construction jobs for the residential area) and some longer term job creation (industrial designated portion). This contrasts with the sole economic benefit derived from keeping the entire property under some type of industrial designation, which would consist of jobs. However, in recent years this property has generated relatively few jobs. Other development limitations, such as those to address stormwater issues in any development proposal, and to monitor the placement of any fill, will allow development to move forward in a profitable manner, yet provide effective protections for the documented Goal 5 resources.

Fully allowing the development of the property without any regard to the documented Goal 5 resources would likely result in adverse impacts to the wetlands and riparian corridors. The attractiveness of the site for residential uses derives, in significant part, from its proximity to the riparian corridor. Consequently, fully allowing the conflicting use, with the potential loss of those resources, would likely not provide substantial economic benefit to the property above the economic benefit gained if development is limited by requiring mitigation of the impact on the resources.

Social? (Annoyances or positive effects):

The social consequences of prohibiting all development on the property would largely be negative. While the social benefits gained from the resources would be preserved, the site would no longer be able to contribute to the social benefits of increased housing availability, potential lowering of housing costs, enhanced community identity and proximity to the adjacent natural resources.

Fully allowing the development of the property would provide for the human-oriented social benefits described above, but at the loss of riparian areas and wetlands that provide social benefit. Allowing the proposed plan change will provide for the social benefits of residential development, which are slightly different from the social benefits gained from industrial use of a property. The Applicant again notes that the property has not seen any significant social or economic benefit from this site in recent years because industrial use of the site has been stagnant.

Limiting development will allow for a maximum of social benefit. The housing and community identity benefits can be obtained from use of the site while limitations on how development occurs will protect the natural resources for the social benefits they provide.

Environmental? (Enhancement or degradation):

Prohibiting all development on the site will provide for maximum environmental protections for the identified Goal 5 resources. However, those Goal 5 resources are limited and are located in a thin strip along the adjacent waterways. The vast majority of the site has been heavily disturbed by past industrial use and is of little environmental significance. Permitting unrestricted development of the site for residential purposes would likely result in degradation of those resources, although perhaps not as much as if unrestricted industrial development were to occur.

Reasonable limitations on the scope of allowed development and how that development occurs, as provided by applicable codes and state/federal regulations, will provide significant environmental protections while still allowing for use of the property. Depending upon the actual development proposed, it may be that the environmental qualities of the wetlands and riparian areas are enhanced in order to provide an amenity for the residents of the development.

Energy? (Savings or excessive use):

Prohibiting the proposed plan designation change for Goal 5 reasons would not result in significant energy savings due to the current industrial designations on the property. Any energy savings would only arise if all development were prohibited due to the Goal 5 resources.

Unrestricted development of the site under residential uses would likely not result in a significant increase in energy use over limited development, because the limitations that would be needed to protect the documented Goal 5 resources should result in only a minor reduction in the number of allowed dwelling units, and consequently would result in only a minor reduction in energy savings.

Both currently permitted water-dependent industrial and proposed residential uses would likely use electricity. However, modern residential development is very energy efficient and should result in a reduction of electrical energy used when compared to heavy industrial uses. Residential uses would likely involve more gasoline use for domestic automobiles than would industry. Industrial uses may use more diesel or oil sources for running certain types of machinery.

No documented Goal 5 resources will be utilized for the generation of energy on this property.

In conclusion, the ESEE analysis demonstrates that the documented Goal 5 resources can be well protected and the development potential of the site realized by limiting the development of the site.

- 3d. The City of Reedsport has adopted a significant natural resource overlay zone to regulate development within the identified wetlands and riparian corridor areas. These regulations are designed to protect the natural resources. Any development within these areas will require approval of a significant natural resource permit.
- 3e. The conversion of the property to residential from industrial would lessen the potential for air pollution. Some pollution may occur under the residential zoning such as vehicular pollution but the potential for a significant impact to air pollution is much greater under the industrial zoning.
- 3f. Ultimate development of the site will incorporate designs to manage storm water run off and to avoid land and groundwater contamination. The applicant will be required to obtain a 1200 C storm water permit from Department of Environmental Quality.
- 3g. The applicant has had a site specific report (exhibit G) prepared by a licensed profession to evaluate the risk to the site as well as the risk that proposed development could pose to other properties.
- 3h. The subject property is located within the flood plain but not the flood way. The City has adopted FEMA standards for developments within the flood plain. According to the standards the buildings will need to be either elevated or flood proofed. These standards will be addressed at the time of development.

- 3i. The applicant has submitted pictures (exhibit H) from the recent flooding that occurred in late 2005. This was a major storm event and resulted in flooding of most of the areas outside of the dike wall. However, as the pictures illustrate large portions of this property were relatively free of flooding.
- 3j. The subject property is not currently designated as needed for recreational purposes. However, the applicant does plan to incorporate recreational amenities into the design of the residential development.
- 3k. The subject property has remained drastically underutilized for nearly 15 years under its current industrial and water-dependent industrial plan designations. The last mill use of the property was in the late 1980s and early 1990s. There is no accurate record as to when the last water-dependent use of the property ended. The only documented water-dependent use of the surrounding waterways was for log rafts and log storage in the McIntosh slough. However, the City of Reedsport Comprehensive Plan, Estuarine Permitted Uses and Policy Implementation, Policy 27 provides that "historic and current log storage sites that are not used for log storage for a five year period shall be removed from further use for log storage." Comprehensive Plan, VIII-17. Because neither Scholfield Creek nor McIntosh Slough have been used for log storage during the past 5 years, those areas along the subject property cannot be put to that use now.
- 3l. The Applicant has submitted evidence into the record that demonstrates a need for improved housing to serve the growing sectors of the economy. See Exhibit I, Housing Analysis. For example, the hospital has had difficulty attracting new doctors, in part, because of the lack of adequate, attractive housing. See Exhibit J, Letters from Lower Umpqua Hospital, and Dunes Family Health Care P.C. Similarly, new industrial development is hindered by the fact that employees will not be able to reside in the community unless the housing situation improves. See Exhibit K, Letter from Lower Umpqua Economic Development Forum. Consequently, development of a portion of this property for residential uses with high-quality town homes will facilitate economic development within the community.
- 3m. The Reedsport Comprehensive Plan Section V page 4 policy 14 recognizes the document entitled *Economic Diversification and Business Recruitment Strategies*, "as a basis of economic diversification strategies for the community." That document explains that "[a] key constraint to future development in Reedsport is the lack of housing combined with the shortage of buildable residential lots." See Exhibit L, Excerpts from *Economic Diversification and Business Recruitment Strategies*, Section 4- 23. That document recognizes the non-industrial development opportunity that targeted residential development provides by generating new employment and income through housing construction. See Exhibit L, Section 4-24.

- 3n. The *Economic Diversification and Business Recruitment Strategies* recognizes the subject property as a unique resource, which it identifies as site A-8. See Exhibit L, Section 3-6. While the document envisions a much more ambitious mixed-use (residential-commercial-industrial) project than is proposed by the Applicant, some components of this proposal are similar to the one described in the document. For example, the document recognizes a need for multi-family housing and for keeping approximately 10 – 15 acres of land as planned for industrial use. The proposal preserves 14.1 acres for industrial use, which is the same amount of area currently reserved for industrial uses. That land will remain available for industrial development. The current proposal also envisions a mixed-use approach that would incorporate two of the three elements discussed in that document.
- 3o. The Reedsport Comprehensive Plan Section V page 4 policy 16 recognizes the 1998 Economic Trend Analysis (exhibit M) as an inventory document. Section XIII of the document concludes that most of the job growth in Reedsport will likely be in the service and sales categories, with management and administrative jobs tracking the growth rate of the overall economy.
- 3p. The applicant's proposal maintains the area of the property that has historically been utilized for industrial uses. The realignment of the heavy industrial portion of the property will take in the existing building which has traditionally be used for heavy industrial uses.
- 3q. The applicant's housing analysis (Exhibit I) demonstrates there is a lack of developable multi family land in Reedsport. Most of the land zoned for multi family dwellings has development constraints such as steep slopes.
- 3r. The site is already currently served with water, sewer, electricity, telephone and cable. These services can be extended to the proposed development. The developer will be responsible for the cost of extending the services.
- 3s. State rules provide that a proposed change that "significantly affects" a transportation facility must assure that new uses do not exceed the capacity of a transportation system or create delays in services provided by the existing transportation system. The Applicant has hired a traffic engineer to prepare a Traffic Impact Study (TIS) to address potential Goal 12 impacts. A copy of his traffic analysis is attached hereto as Exhibit N. Applicant's traffic engineer coordinated with Oregon Department of Transportation (ODOT) before the traffic analysis was started in order to identify and address ODOT's expressed concerns.
- 3t. The TIS recommends the following controls to address traffic generated by the proposal:
- ✓ Limit residential development to 400 units
 - ✓ Protect west bound Highway 38 left turns through signalization
 - ✓ Develop a separate east bound right turn lane on Port Dock Rd to

- minimize queues conflicting with vehicle movement in and out of the Forest Service facilities.
- ✓ Locate the property access road intersection onto Port Dock Rd. at least 400' from the intersection of Port Dock Rd. & Hwy. 101.
- ✓ Provide sidewalks on the south and west sides of Port Dock Rd. from Hwy. 101 to the residential area of the site.

3u. The TIS indicates the most significant impact will be at the intersection of Hwy. 101/38 and Port Dock Rd. Both Hwy 101 and Hwy. 38 are under the jurisdiction of ODOT and the applicant will be required to comply with any mitigation improvements specified by ODOT. Port Dock Rd. is under the jurisdiction of the City of Reedsport and the applicant is required to comply with any mitigation improvements specified by the City.

3v. The City has received a letter of conditional approval on the traffic impact study and proposed improvements from John Oltman, Development Review Engineer for ODOT. The approval letter caps the development at 400 units.

Tom Guevara, Development Review Planner for ODOT submitted the following letter on November 3, 2006:

We received public hearing notice requesting agency comments on a proposed Comprehensive Plan Amendment from Industrial to Residential, and Zone Change from Water Dependant Industrial to Multi-Family Residential (R-2) on 19.7 acres of a 33.8 acre site. The proposed project is located on Port Dock Road (T.21, R.12, S.34 TL 700) within the US 101/OR 38 intersection influence area. It is our understanding that the proposed residential land use changes are necessary to allow future condominium development on the site.

The Oregon Department of Transportation (ODOT) reviewed the applicant's Transportation Impact Study (TIS) analysis and conclusions, and agrees with the recommended traffic mitigation (See Attached Technical Memorandum). The TIS concludes that the proposed residential project will significantly affect the US 101/OR 38 intersection's function, capacity and performance standards; and recommends transportation improvements to mitigate the proposed project's significant traffic affects (See Attached E-Mail).

Significant amendments to Oregon Administrative Rule (OAR) 660-012-060 (a.k.a. Transportation Planning Rule (TPR)) occurred in April 2005. ODOT is now required to declare whether recommended transportation improvements to a state highway are "Planned Facilities" funded in the State Transportation Improvement Program (STIP), or are "Reasonably Likely" to be funded by the end of the 20-year planning period (OAR 660-012-060(4)(b)). ODOT is declaring that the applicant's TIS recommended transportation improvements for the US 101/OR 38 intersection are not included in the STIP, and are *not*

“Reasonably Likely” to be funded by the end of the 20-year planning period. This declaration is due to the number of competing Oregon’s highway priority projects and the State’s limited funding.

Please be advised that transportation improvements declared as *not “Reasonably Likely”* to be funded in the STIP can not be relied upon by a local government and/or applicant to mitigate significant traffic affects on state highways. The TPR does allow local governments to require construction of transportation improvements as a condition of development or through a development agreement to mitigate significant traffic affects on transportation facilities.

ODOT recommends that the applicant’s TIS recommended traffic mitigation for the US 101/OR 38 intersection be included in the City’s Ordinance and Findings of Fact, as follows, to ensure the transportation improvements are constructed consistent with Statewide Planning Goal 12 -- Transportation and the TPR (OAR 660-012-060(4)(b)(B)) provisions.

1. Within 180 days of the City Council’s final decision, the applicant shall enter into a developer agreement with ODOT to fund the design, right-of-way acquisition and construction of transportation improvements at the US 101/OR 38 intersection.

1. At the time of development, the applicant or designated representative shall fund 100% of the design, right-of-way acquisition and construction for a committed left turn lane and shared thru/right turn lane on Port Dock Rd. with associated traffic signal improvements at the US 101/OR 38 intersection west leg approach. These transportation improvements shall be installed prior to issuance of certificate of occupancy for residential development on T.21, R.12, S.34 TL 700.

2. At the time of development, the applicant or designated representative shall fund 100% of the design, right-of-way acquisition and construction for a committed left turn lane, committed thru lane on OR 38 with associated traffic signal improvements at the US 101/OR 38 intersection east leg approach. These transportation improvements shall be installed prior to issuance of certificate of occupancy for residential development on T.21, R.12, S.34 TL 700.

4. The applicant’s residential site plan and building permits shall not exceed 400 units on T.21, R.12, S.34 TL 700.

3w. The applicant proposes to build the town houses with contemporary energy efficient designs and techniques.

3x. The applicant has provided goal 14 urbanization findings, however the subject property is within the City limits and already served by city services so goal 14 is not applicable.

- 3y.** The subject property is adjacent to two designated estuarine subareas: Estuarine subarea III: Mc Intosh Slough and Estuarine subarea IV: Lower Scholfield River.
- 3z.** The applicant's proposal does not impact estuarine subarea III. The designation for the area is Estuarine Conservation and no changes are proposed to this area.
- 3aa.** The management unit designation for Estuarine Subarea IV is "Development." The management objective for Subarea IV recognizes that it is a transitional area that is surrounded by urban uses and that lends itself to development in the future. The management objective elaborates on its management objective:
- "The mouth of the Scholfield River should be dredged to provide safe use of the subarea for water-dependent recreation. The mouth is now a navigational hazard because of bar formation. Dredging of this area should be considered a minor navigational improvement and thus compatible with a conservation designation."
- 3bb.** The Scholfield River has an authorized channel 12 feet deep 100 feet wide extending from the confluence with the Umpqua to a point two miles upstream. Included in this project is an entrance channel 500 feet wide and 3000 feet long and 22 feet deep. This project has not yet been constructed and is presently inactive. The operation and maintenance of the Scholfield channel was authorized by the River and Harbor Act, September 3, 1954."
- 3cc.** The dredging operation authorized by the River and Harbor Act has never taken place. The project has been listed as inactive by the Army Corp of Engineers and given the limited funds available for dredging it is not likely to ever be funded.
- 3dd.** The applicant contends that the water dependent designation placed on the property under the Goal 17 is incorrect. They have submitted documentation that the property never met the Goal 17 requirements.
- 3ee.** The water dependent designation is applied to the shore land property south and west of McIntosh Slough inward for a distance of 400 feet. The management objective for this area is to promote industrial water dependent activities while protecting riparian vegetation where ever possible.
- 3ff.** The subject property is identified as Shoreland Subara No. 12: Reedsport Water front. The following facts are provided in the Comprehensive Plan:
- ✓ The south portion of this subarea has been filled and compacted with wood chips.
 - ✓ Vegetation is limited to a narrow strip adjacent to McIntosh Slough and Schofield River.

- ✓ This subarea is a mill site presently owned by International Paper Company and is intended for use as a let down loading and unloading facility adjacent to the upland log sorting and storage area.
 - ✓ A small bridge provides access from the mill site to the island located north of McIntosh Slough.
 - ✓ This shoreland is highly suitable and needed for water-dependent industrial activities.
 - ✓ A portion of this subarea has been identified as a dredge spoils site."
- 3gg.** The small bridge from the mill site to the island located north of McIntosh Slough no longer exists.
- 3hh.** Shore land subarea No. 11 is adjacent to Estuarine Subarea IV which was anticipated to be dredged in the 80's so that it could be utilized for water dependent uses. The project has been inactive since the 80's and is not likely to be reactivated according to the information submitted in the Shoji Planning report (exhibit P).
- 3ii.** Oregon Administrative Rule (OAR) provides the requirements for properties to be included in the minimum water dependent shoreland protection acreage. The minimum amount of shorelands protected must include properties that are either currently in water dependent use or previously used for water dependent use.
- 3jj.** The Reedsport Comprehensive Plan Section VIII page 28 states: *the subarea is a mill site presently owned by International Paper Company and is **intended** for use as a let down loading and unloading facility adjacent to the upland log sorting and storage area.* At the time of designation this property was not in current water dependent use.
- 3kk.** The subarea adjacent to the site is Estuarine Subarea no. IV and the Reedsport Comprehensive Plan Section VII page7 under management objectives states: *The mouth of the Scholfeld River should be dredged to provide safe use of the subarea for water dependent recreation. The mouth is now a navigational hazard because of bar formation.*
- 3ll.** The former water dependent use category includes estuarine shorelands that at any time were used for water dependent uses and still possess a structure or facility that provides water dependent industrial use.
- 3mm.** The site was once used for log rafts brought down the Umpqua River and floated up the McIntosh Slough to supply a mill on the property. At the time the Comprehensive Plan (1980) was adopted the site was no longer being used for log rafts.

- 3nn.** The use for log rafts is no longer permitted on the waterways adjacent to this property. The Reedsport Comprehensive Plan, Section VIII page 17 Policy 27 states: *Historical and current log storage sites that are not used for log storage for a five year period shall be removed from further use for log storage.* This site has not been used for log storage well in excess of 5 years.
- 3oo.** There are no remaining structures on the site which provide water dependent access. The bridge over the McIntosh Slough to the island to the north no longer exists nor do any structures or facilities that might have provided access to McIntosh Slough. The only remaining structures are pilings in the Scholfield Creek.
- 3pp.** OAR 660-037-0070 provides the water-dependent shoreland locational suitability criteria. There is a total of 7 criteria listed and Section (1) requires that a proposal to designate lands as water-dependent shorelands must meet all of the criteria: The subject property does not meet criteria (1)(g) which states: *If transportation, commercial fishing or recreational boating uses are designated, the adjacent coastal waters provide or are planned for adequately sized navigational channels.*
- 3qq.** OAR 660-037-0040(6)(C) defines "water-borne transportation" to mean uses of water access:
"(i) Which are themselves transportation (e.g. navigation);

"(ii) Which require the receipt of shipment of goods by water; or

"(iii) Which are necessary to support water-borne transportation (e.g. moorage fueling, servicing of watercraft, ships, boats, etc. terminal and transfer facilities.)"
- 3rr.** At the time the Comprehensive Plan was adopted, the subject property did not have access for water-borne transportation to the site. The June 1980 Comprehensive Plan explained that bar formation made the lower Scholfield River (Creek) a navigational hazard. See Exhibit R, June 1980 Comprehensive Plan (excerpts), p. 5. No goods could have been shipped to or from the site via Scholfield Creek at the time the plan was adopted.
- 3ss.** Scholfield Creek continues to be a navigational hazard. It does not have adequately sized navigational channels and will never have adequately sized navigational channels due to the fact it will likely not be dredged in the future. See Shoji Planning Report, Exhibit P. As the Shoji Planning report explains, the Army Corps of Engineers representatives explained that they cannot recall that Scholfield Creek was ever dredged. Exhibit P, p. 5. Furthermore, because support funding from the federal government to develop the necessary infrastructure along Scholfield Creek to support water-dependent industrial uses is unlikely, any dredging activity that will take place in the Reedsport area will likely occur in the Umpqua River to support industrial projects that have been

identified as economic opportunities for the community such as American Bridge.
Exhibit P, p. 4.

- 3tt. The City has received a letter from Dave Perry Department of Land Conservation and Development (DLCD) Representative concurring with the applicants contention that the property was inappropriately designated as water dependent. **Mr. Perry stated that the more important issue for the City to consider is the appropriateness of converting 19 acres of its limited supply of industrial land to residential use.**
- 3uu. **In a follow-up communication with Mr. Perry, he reiterated the points made in the August letter, explained the need to base analysis included in the application on the Comprehensive Plan and other adopted documents, and also inquired as to whether there were physical or other constraints on the subject property that made the subject property impracticable for heavy industrial uses.**
- 3vv. The applicant has submitted the following information in response to DLCD's concerns:
- A letter from the geotechnical firm Galli Group (exhibit G) assessing the suitability of the site for industrial use.
 - Additional exhibits A-F supporting the trend from heavy industrial and manufacturing to professional, business, health care and tourism.

DECISION CRITERIA #4: The proposed change is compatible with other elements of the City Comprehensive Plan.

FINDINGS:

- 4a. The applicant has indicated that the development will be a planned unit development for town houses. Approval of the development plans will require Planning Commission review.
- 4b. The City of Reedsport recently received a notice of permit violation from the Department of Environmental Quality due to inflow & infiltration of storm water into the sewer system during the wet weather season. Until these issues are addressed the City can not certify the ability of the wastewater conveyance system or plant to serve this development. Approval of the Comprehensive Plan Map Amendment and rezone in no way constitutes approval for future sewer connections.
- 4c. Section III pg 7 of the Comprehensive Plan addresses natural features. The

following policies apply to this development.

Policy 3 Applicable federal and local regulations concerning development within flood prone areas as outlined in the City's Zoning Ordinance will govern the types of uses allowed within a flood prone area.

- 4d. Exhibit G of the applicant's application is a geo technical report which address the issue of building town houses within the flood prone area. The report states that based on their evaluation the project can be developed and constructed in a manner to protect the structures, provide safe ingress and egress, protect vital utilities and protect adjacent property from the effects of a 100 year flood and a major seismic event.
- 4e. Section III pg 8 of the Comprehensive Plan addresses. Air, Water and Land Resources. The following policies apply to this development.:

Policy 1: Zoning and land use planning shall discourage the intermixing of noisy industrial sites and residential areas.

Policy 2: Major transportation routes shall be separated from residential areas where feasible to lessen noise pollution.

- 4f. According to the applicant the industrial uses will be separated from the residential uses by distance and vegetative screening. The applicant may also consider using berms as screening devices.
- 4g. The subject property is close to Highway 101, however, the property itself is separated from Highway 101 by an open area and Port Dock Road. The residential uses will be located on the western portion of the property quite some distance away from the highway.
- 4h. Section IV pg 16 of the Comprehensive Plan addresses public facilities. The following policies apply to this development:

Policy #4 Sewer & storm drain: All new residential developments must provide a drainage plan that ties into the existing drainage system or meets the special needs of the area.

Policy #5 Sewer & storm drain: All future subdivisions and planned unit developments within the Urban Growth Boundary will be required to hook up to the City's sewer system.

Policy #6 Water: All future subdivisions and planned unit developments within the Urban Growth Boundary will be required to hook up to the City's water system.

Policy # 1 Transportation: New subdivisions or planned unit developments shall have sidewalks and adequate street patterns to facilitate easy movement of both cars and pedestrians.

Policy #2 Transportation: All appropriate methods shall be coordinated with the State Department of Transportation to assure that Highway 101 and Highway 38 are maintained to facilitate good traffic flows at all times.

Policy #3 Transportation: Major arterial and feeder streets shall be designated and future routes reviewed in order to facilitate a smooth flow of traffic.

- 4i. The development requires approval of a planned unit development. When the application for a PUD is submitted the applicant will be required to submit preliminary plans for the sewer, water and storm drain systems. The details will be addressed at that time. All utilities are located within the area and available to serve the development.
- 4j. Port Dock Rd. is the primary access road to the subject property. This road is a private road with a right of way width of 35 feet. In order for the applicant to comply with the necessary intersection improvements and sidewalks additional right of way will need to be provided.
- 4k. The City of Reedsport owns the property adjacent to Port Dock Rd. from the Dike to the intersection of Highway 101. The applicant will need to obtain additional right of way from the City.
- 4l. The applicant's traffic impact study submitted as exhibit N proposes mitigation at the intersection of Port Dock Rd. and Highway 101 in order to provide adequate queing. The plan proposes to add a dedicated turn lane at the intersection and move the access to the Chamber and Dunes NRA parking lot back toward the dike along the RV dump entrance.
- 4m. The applicant's proposed changes to the parking lot access for the Chamber and Dunes NRA will require redesign of the existing parking lot layout and traffic flow. The City and the applicant are in the process of redesigning the parking lot.
- 4n. The applicant has submitted a traffic impact study with proposed mitigation for the intersection of Highway 101 and Highway 38. The study caps the number of residential units that can be constructed at 400. The City has received a letter of approval on the traffic impact study and proposed improvements from John Oltman, Development Review Engineer for ODOT.
- 4o. Mike Ericksen from Dyer Partnership has reviewed the traffic impact study on behalf of the City of Reedsport. He has submitted the following comments:

1. The configuration of the lanes entering the highway on Port Dock Rd. should be changed so that the right hand lane is for right turn/straight ahead movement and the center lane is for left turn only. This will provide a better alignment with the existing traffic lanes on the opposite side of the highway.

2. The proposed re-alignment of the driveway into the US Forest Service/ Chamber parking lot will entail re-configuring the parking layout. The preliminary layouts provided during the meeting on August 21 addressed most of the concerns, however these will need to be reviewed and approved by the US Forest Service and City.

3. Due to the current grades for Port Dock Road to the west of the Highway 101, insufficient sight distances are created. We would recommend that consideration be given for re-aligning a short section of the dike to provide better sight distance at this intersection. With shifting the driveway serving the Forest Service parking lot closer to the dike, the sight distance issue becomes more pronounced. The proposed layout prepared by Access Engineering shows widening Port Dock Rd. along the westerly side which will need to be coordinated with the Corp. of Engineers and this would provide a good avenue to re-align a short section of the dike to help increase the sight distances at this intersection. This re-alignment should allow for the elimination of the stop sign near the dike.

4. Access Engineering suggested that Highway 38 on the east side of Highway 101 be widened to provide two lanes entering Highway 101. The left lane will be for left turn only and the right lane will be for straight thru traffic. We believe that this provides a safer traffic flow due to the amount of traffic backup on Highway 38 with the proximity to the railroad tracks and should be part of the improvements.

4p. Section IV pg 17 of the Comprehensive Plan addresses energy conservation. The following policies apply to this development:

Policy #1 The community should encourage infilling of vacant land within the community to reduce the necessity of auto travel.

Policy #5 The City should encourage Planned Unit Development as a means of allowing a more flexible approach to site planning for energy efficiency.

4q. The proposal will change the plan designation so that a large parcel that has remained vacant and unused for many years will be able to be used. Approval of the proposal will permit development of a large area of vacant land in the downtown area. The subject property's close proximity to downtown will help the community to reduce the need for auto travel.

4r. The applicant has indicated that the development will be done through a planned unit development process.

- 4s. Section V pages 3 & 4 of the Reedsport Comprehensive Plan address Economic Goals and Policies. The following policies apply to this development:

Policy #1 City zoning and land use planning shall assure that there is sufficient vacant commercial and industrial property for economic growth and stability to meet the needs of the future, taking into consideration identified current trends.

Policy #6 Vacant buildable commercial and industrial lands in amounts suitable to meet projected needs shall be maintained by appropriate plan designations and zoning.

Policy #14 the city recognizes the document entitled Economic Diversification and Business Strategies prepared for the City by ELESCO LTD. dated Sept. 1997 as a basis of economic diversification strategies for the community.

Policy #16 The city adopts the study entitled Economic Trends Analysis, Reedsport Oregon 1998 prepared by Fred A Jarmin as an inventory document for the plan.

- 4t. Policies 1, 6 and 14 have been addressed under criteria 2 above.
- 4u. The Economics Trends Analysis included as Exhibit M documents the current economic trend away from resource extraction and heavy manufacturing toward the service and sales sectors and tourism. Both the Economic Trends Analysis and the Economic Diversification and Business Recruitment Strategies (exhibit L) recognize the demand for vacant commercial and industrial property has not been as high as originally anticipated.
- 4u **The Economic Diversification and Business Strategies study pages 3-10 recommends the City concentrate on promoting a smaller number of industrial sites geared towards smaller, lighter industries. The City has the resources to attract and support smaller, owner managed companies from a variety of business categories. Those businesses tend to be entrepreneurial and able to be successful in nearly any location.**
- 4v. The subject site has sat vacant for several years and not been used for any type of water dependent industrial use in over a decade. As indicated in Sjoji Planning Report Exhibit P it is unlikely that Umpqua River and Scholfield Creek will be dredged to a sufficient depth to permit water dependent uses to locate on the site.
- 4w. Section VI page 5 of the Reedsport Comprehensive Plan addresses Housing Goals and Policies. The following policies apply to this development:

Policy #1 Realizing that land available for housing is limited, the City shall

encourage a diversity of housing types through realistic zoning and land use policies.

Policy #4 The City shall endeavor to ensure that adequate vacant land is zoned and available for high density residential use.

Policy #7 The City of Reedsport shall implement the residential plan designation with the following zones: Rural Suburban Residential; Single-Family residential and multiple family residential. Those zones shall be applied so as to maintain enough vacant, buildable land, to satisfy the plan's projected needs for manufactured housing, multiple family dwellings and single family dwellings. Areas where slopes exceed 20% shall be zoned only for low density residential developments. Areas zoned for mobile home parks and multiple family dwelling generally shall be located near sewers, water lines and paved streets in order to minimize construction costs.

- 4x. The proposed construction of town homes on the subject site would provide a type of housing not currently available in the City of Reedsport.
- 4y. The applicant has provided sufficient documentation that there is not adequate vacant land available for multi housing. The remaining undeveloped land zoned multi family has a large portion of the property with slopes in excess of 20%.
- 4z. Section VII page 17 of the Reedsport Comprehensive Plan addresses Land Use Goals and Policies. The following policies apply to this development:

Policy #4 residential: Multi family and mobile home park development should be located near existing roads and facilities to minimize construction costs.

Policy #1 industrial: Industrial designated lands shall be reserved for such uses with exception of the area east of the Southern Pacific Railroad line and south of the levee where heavy commercial uses may also be permitted.

Policy #2 industrial: Areas designated for water dependent industrial uses shall be reserved for such uses.

- 4aa. The subject property is located off of an existing paved road which can handle the increased traffic with minor improvements. Water and sewer are readily available to this site.
- 4bb. This proposal reserves the same amount of heavy industrially zoned land on the property it is just in a different configuration.
- 4cc. The applicant has submitted sufficient documentation to determine that the subject property was incorrectly zoned for water dependent industrial uses.

- 4dd.** The City has received a letter from DLCD representative Dave Perry that concludes the subject property is not suitable for water dependent use and should not have been so designated. Therefore, removing the water dependent restriction is merited. The more important issue for the City is the matter of appropriateness of converting 19 acres of its limited supply of industrial land to residential use.
- 4ee.** As discussed in the findings under criteria 2 the Economic Diversification study documents the decline of industry in the Reedsport Area and the trend for small businesses.
- 4ff.** Section VII page 12 of the land use section in the Comprehensive Plan discusses Industrial land within the City. The narrative states that the economy of Reedsport is, in actuality a segment of the economy of coastal Douglas County. This is evidenced by the fact that the major employers of Reedsport residents are located in Gardiner. Future industrial development within the Reedsport Urban Growth Boundary is thus determined to a considerable extent by the future of the overall coastal economy.
- 4gg.** Within the area there is approximately 357 acres of industrial land in Gardiner, 88 acres on Bolon Island and 97 acres in Reedsport with an additional 98 acres (Leeds Island) in reserve. This provides a total of 640 acres of industrial zoned property within the area. Of this 640 acres the following large acreages are vacant and undeveloped: The entire IP site in Gardiner 357 acres, 49 acres of Bolon Island, 98 acres on Leeds Island and 33.8 acres of the subject property. This equates to 84% of the land zoned industrial is vacant and not currently utilized.
- 4hh.** Section VIII page 5 of the Reedsport Comprehensive Plan identifies the estuarine sub areas. This application applies to Estuarine sub area III which is the estuarine area of McIntosh Slough from its confluence with the Scholfield River to the southwesterly terminus at the Southern Pacific Railroad right of way and sub area IV, which includes the estuarine area of Scholfield River and McIntosh Slough (including the authorized channel of Scholfield River) from the Umpqua River to a point upstream common with the most westerly northwest corner of the Reedsport Dike.
- 4ii.** The applicant's proposal does not impact estuarine sub area III. The designation for the area is Estuarine Conservation and no changes are proposed for this area.
- 4jj.** Estuarine sub area IV is designated as development. This proposal only affects a portion of this area. The proposed change would actually be a less intensive use.
- 4kk.** According to goal 16 the designation of estuarine management units is based in part on the uses of the adjacent shorelands. Consequently any change to shoreland designations and allowed uses being proposed under this division must include consideration of affected estuarine management unit designations and

allowed uses. This is particularly important in situations where the unit designations in the adjacent estuarine management unit was acknowledged through a goal exception.

- 4ll. Section VIII page 12 of the Reedsport Comprehensive Plan lists the policies for development management units: The following policies apply to this application:

Policy 1: Estuarine areas included within development management units shall be protected for development and shall be managed to provide for and maintain navigational and other needed public, commercial and industrial water dependent uses.

Policy 10: Water related, non dependent and non related uses are allowed in the estuary only if:

1. The site has minimum biological or recreational significance.
2. The site and adjacent shorelands are not suitable or needed for water dependent uses:
3. The use is consistent with and does not preempt or interfere with the objective of providing for and maintaining navigational and other needed public commercial and industrial water dependent uses.
4. The use will not result in dredging, filling or other similar reduction/degradation of estuarine natural values.
5. The use is consistent with the purposes of the management unit.

General policy #27 Historical and current log storage sites that are not used for log storage for a five year period shall be removed from further use for log storage.

- 4mm. The proposed development will not hinder the navigational and water dependent uses within the subarea.
- 4nn. The applicant has submitted adequate documentation to support the fact that the subject property was not especially suited for water dependent use which complies with policy 10.
- 4oo. As document in exhibit P Shoji Planning Report there has been no log storage in the estuarine subareas in the last five years. This proposal does not propose to use the estuarine subareas for any storage of logs.
- 4pp. Section VIII page 19 of the Reedsport Comprehensive Plan identifies the coastal shoreland. The subject property is contained within shoreland sub area 11 which

includes all lands south and west of McIntosh Slough for a distance of 400 feet inward.

4qq. Section VIII page 32 of the Reedsport Comprehensive Plan lists the policies for coastal shoreland units. The following policies apply to this application:

Policy #3: All uses on coastal shorelands shall be compatible with the characteristics and resources of adjacent estuarine areas, lakes and ocean and any geologic or hydrologic hazard.

Policy #4 In all shoreland area, riparian vegetation shall be maintained to the maximum extent possible.

Policy #5: Riparian vegetation moved or damaged as a result of permissible development shall be restored and enhanced when appropriate and consistent with the water dependent use.

Policy #6: In all shorelands except those classified for water dependent uses and those identified by the City's Umpqua River Revitalization Plan development and development other than flood erosion control structures and private docks shall be set back (50) fifty feet from the line of nonaquatic vegetation or mean high water unless the City finds after consultation with the ODFW that such setback is unnecessary.

Policy #9 Public access to coastal shorelands and waters shall be provided as part of future shoreland developments when such access will not conflict with the type of development, create a significant hardship or exceed the resource capabilities of the shoreland area.

Policy #10: The size (height and length) of structures permitted in coastal shorelands shall be consistent with the need to protect scenic access to the water body.

Policy #11 Agriculture, forestry, recreation and open space and water dependent uses shall be given highest priority for flood plain areas consistent with the hazards to life and property.

Policy #16 Shorelands shall be managed as a limited resource recognizing the value and limited available sites for water dependent uses.

Policy #17: Non water dependent uses may be allowed in water dependent areas of shorelands only if these uses are temporary in nature and do not preclude timely use of the site for water dependent uses.

Policy #18: Non water dependent and no water related uses may be allowed in other than water dependent shorelands upon a demonstration of public

need and adequate safeguards for natural hazards and compatibility with the resources of the shoreland area.

- 4rr.** The residential uses that the proposed change will be compatible with the characteristics of the adjacent estuarine areas. Residential uses represent a less intensive use than those allowed by the water dependent industrial plan and zone designation. Combined with the proposed 50' riparian setback it will allow development of the property in a manner that will continue to protect the fringe riparian vegetation that exists.
- 4ss.** The only riparian vegetation that exists on the site is along the steep banks of the estuarine area and in the wetland channels on the southern portion of the property, No development is proposed that will impact the riparian vegetation in those areas.
- 4tt.** The proposal includes a 50' setback from the riparian vegetation line for all development.
- 4uu.** The residential development that will be permitted under the proposed applications will be open to the general public to include the coastal shoreland area. The applicant is not proposing to develop the shoreland area. It will remain in it's natural stae.
- 4vv** The height restriction in a multi residential zone is 45 feet which is less than the current industrial height restriction of 50 feet.
- 4ww.** The subject property was formerly used as an industrial site and its ground was built up to support that use. The Geotechnical report explains that the site is generally underlain by 1 ½ to 3 feet of dense angular crushed rock on large portions of the site, 8 to 18 feet of medium dense to dense, fine to medium sand and sandy silts and fine sands to an overall dept of 7 5 to 95 feet.
- The Geotech report notes that the area was reclaimed in the past by using dredge material. Because of the nature of the underlying soils, argiculture and forestry are not viable uses of the property.
- 4xx** There is a large City park with ball fields located to the south of the subject property.
- 4yy.** The applicant has submitted documentation that supports the fact that the subject property was not properly zoned for water dependent use. The Comprehensive Plan recognizes that Scholfield Creek is a navigational hazard due to bar formation. The anticipated channel dredging never occurred and is unlike to occur in the future as documented in exhibit P.1
- 4zz.** The applicant proposes that Shoreland subarea No. 11 be amended to have the

management unit designation be Urban-other shorelands. This is an other than water dependent shoreland designation. The applicant has demonstrated that there is a public need for the proposed amendment, the development can adequately be safeguarded against natural hazards and will be compatible with the resource of the shoreland area by adhering to the 50' riparian setback.

CONDITION:

1. The applicant must submit a detailed design for the parking lot improvements which must be approved by the City, Forest Service and Chamber. Any costs incurred in the redesign of the parking lot for the Chamber and Dunes NRA including new striping of the site will be at the developers expense. All intersection improvements are considered a development cost and will be borne by the developer.
2. The applicant will need to obtain additional right of way from the City to widen Port Dock Rd. from the dike to the intersection of Highway 101.
3. Approval of this plan amendment is restricted to the development of no more than 400 units. The units must be developed through a PUD process as proposed.
4. The applicant must obtain approval from the Army Corp. of Engineers for any changes to the dike system. A copy of their approval must be filed with the City.
5. The estuarine sub area IV plan designation must be changed from development to conservation or natural.
6. The proposed text amendments must be approved by the Planning Commission and City Council.
7. Prior to development the applicant must provide the City with an executed Developers Agreement with ODOT and a letter of compliance with all their technical requirements.

PROPOSED TEXT AMENDMENT

The Applicant is also proposing a range of text amendments to the Comprehensive Plan consistent with the proposed plan designation changes. Those text amendments are presented below as replacement language to existing language in the Comprehensive Plan. For the text amendments provided below, the new text is shown in **bold** with current text in plain text. Attached as Exhibit T, is a copy of the text amendments with the language to be removed in ~~strikeout~~, and the new text in **bold**.

- 1) Comprehensive Plan, Natural Features, Areas Subject to Natural Hazards, p. III-4:

"Development is not intended for identified flood-prone areas **other than in a manner consistent with FEMA requirements.**"

2) Comprehensive Plan, Natural Features, Air, Water and Land Resources Quality, Policy 1, p. III-8:

"Zoning and land use planning shall discourage the intermixing of noisy industrial sites and residential areas **without appropriate buffering.**"

3) Comprehensive Plan, Land Use, Industrial, p. VII-3:

"Those uses found on the sites in the City include **an industrial site** situated between Scholfield Creek and Highway 101; the Port of Umpqua Industrial Park situated between Highway 101 and the Southern Pacific Railroad; miscellaneous uses between the Southern Pacific Railroad and Rainbow Avenue; and a Bohemia plant occupies the remaining waterfront from Rainbow Avenue Eastward."

4) Comprehensive Plan, Land Use, Industrial, p. VII-12:

"This area consists of **14.1** acres and is currently used **for various industrial uses.**"

5) Comprehensive Plan, Land Use, Industrial, p. VII-13:

"To ensure that this opportunity is not lost, industrial lands along the Umpqua River have been designated exclusively for industrial uses which are dependent on the adjacent navigable waterways. A total of **34** acres of vacant land have been so designated. This acreage is greater than that for which past trends would indicate a need. However, the attributes of these lands are considered significant enough to warrant their protection."

6) Comprehensive Plan, Land Use, Land Use Goals and Policies, Industrial Policy 2, p. VII-17:

"Areas **properly** designated for water-dependent uses shall be reserved for such uses."

7) Comprehensive Plan, Coastal Resources, Estuarine Resources, p. VIII-1:

"Today the Umpqua Estuary's use as a primary mode of transportation for individuals has waned, but its usefulness as a mode of transport for bulky and heavy raw materials remains quite viable. This is evident from the continued extensive use of the river as a medium upon which to move sand and gravel barges."

(No new text is proposed for this provision. See Exhibit T to identify text proposed for removal.)

8) Comprehensive Plan, Coastal Resources, Estuarine Subarea No. IV: Lower Scholfield River, Fact 2, p. VII-7:

"This subarea is immediately adjacent to shorelands which are committed to industrial **and residential** uses, urban services, major highway and rail access.

9) Comprehensive Plan, Coastal Resources, Shoreland Subarea No. 11: Reedsport Waterfront, p. VIII-28:

"Description: This shoreland includes all lands south and west of McIntosh Slough. The shorelands extend **50** feet landward.

"Facts About the Area:

"1. The south portion of this subarea has been filled and compacted with wood chips.

"2. Vegetation is limited to a narrow strip adjacent to McIntosh Slough and Scholfield River.

"3. This area **was formerly** a mill site owned by International Paper Company.

"4. A small bridge **previously provided** access from the **former** mill site to the island located north of McIntosh Slough. **That bridge no longer exists.**

"5. This shoreland **has no access to navigable channels that would support water-dependent industrial use.**

"6. A portion of this subarea has been identified as a dredge spoils site.

"7. **The proximity to the confluence of Scholfield River and Umpqua River provides exceptional scenic views for the overall property.**

"Management Unit Designation: **Urban Other Shoreland**

"Management Objective: **To promote urban levels of residential and heavy industrial uses on the inland areas while providing a 50 foot protection zone for riparian vegetation wherever possible**

FINAL DECISION:

Recommend that the Reedsport City Council approve the Comprehensive Plan Map and Text changes subject to the conditions listed in the staff report



