

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 16-11

IN THE MATTER OF ADOPTING AMENDMENTS TO
CHAPTER 10 (COASTAL GOAL AMENDMENTS) OF
LANE CODE, AND ADOPTING SAVINGS AND
SEVERABILITY CLAUSES

WHEREAS, the Board of County Commissioners has co-adopted amendments to the Florence Realization 2020 Comprehensive Plan (Coastal Goal Amendments) through adoption of Ordinance No. PA 1334 and the accompanying findings, which are incorporated by reference herein; and

WHEREAS, Lane Code Chapter 10 sets forth policies related to Zoning; and

WHEREAS, the Board of County Commissioners wishes to revise certain policies related to Zoning; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

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

REMOVE THESE SECTIONS

10.005 – 10.010
10.020
NONE
10.225-05 – 10.225-95
10.230-05 – 10.230-95
10.235-05 – 10.235-95
10.240-05 – 10.245-75
10.250-05 – 10.255-75
10.260-05 – 10.270-95

INSERT THESE SECTIONS.

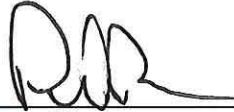
10.005 – 10.010
10.020-05 – 10.020-15
10.225-05 – 10.225-30
10.230-05 – 10.230-30
10.235-05 – 10.235-35
NONE
10.240-05 – 10.245-35
10.250-05 – 10.255-30
10.260-05 – 10.270-30

These sections are attached hereto and incorporated herein by this reference. 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 constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

The office of Lane County Legal Counsel is authorized to codify this Ordinance and to make any technical changes, not affecting its substance, as are reasonably necessary to accomplish codification.

ENACTED this 10th day of January 2017.



Pat Farr, Chair
Lane County Board of Commissioner

APPROVED AS TO FORM

Date 1-19-17


LANE COUNTY OFFICE OF LEGAL COUNSEL



Recording Secretary for this Meeting of the Board

AUTHORITY

10.005 Authority.

Consistent with the controlling provisions of O.R.S. Chapter 215 and under the authority of the Lane County Home Rule Charter, land use zoning is governed by the provisions of this chapter. *(Revised by Ordinance No. 13-72, 7.21.72)*

TITLE

10.010 Title.

This chapter is known as the "Lane County Zoning Ordinance." *(Revised by Ordinance No. 13-72, 7.21.72)*

PURPOSE

10.015 Purpose.

The purpose of this chapter is to provide procedures for dividing the unincorporated portions of Lane County into districts and to provide requirements pertaining to such districts in accordance with a comprehensive plan, and is adopted to protect and promote the public health, safety, and welfare, and to promote the implementation of the Comprehensive Plan for Lane County. Such procedures and requirements are intended to achieve the following objectives:

- (1) To encourage the most appropriate use of land and resources throughout the County.
- (2) To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (3) To avoid undue concentration of population.
- (4) To secure safety from fire, panic, flood, and other dangers.
- (5) To prevent the overcrowding of land.
- (6) To provide adequate light and air.
- (7) To lessen congestion in the streets, roads, and highways.
- (8) To provide an environment of character in harmony with existing and proposed neighboring use of land.
- (9) To preserve and enhance the quality of Lane County's environment. *(Revised by Ordinance No. 13-72, 7.21.72)*

DEFINITIONS

10.020-05 Purpose.

For the purpose of this chapter only, the following words, terms and phrases are defined as follows and supersede definitions otherwise provided in this Code.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives are construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Where terms are not defined, they have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, provides the ordinary accepted meanings.

10.020-10 Definitions.

Accessory Building: Any subordinate building or portion of a main building, the use of which is incidental, appropriate and subordinate to that of the main building.

Accessory Use. A use incidental, appropriate and subordinate to the main use of a lot or building.

Accretion. The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

Agriculture. Synonymous with definition of “farm use.”

Alley. A public way not over 30 feet wide, providing a secondary means of access to private property.

Alter or Alteration. To change any of the supporting members of a building or structure, such as bearing walls, columns, beams or girders. Any change, addition or modification in use, construction or occupancy. For the purposes of LC 10.225 (NE-RCP), 10.230 (CE-RCP), 10.235 (DE-RCP), 10.240 (/SN-RCP), 10.245 (/PW-RCP), 10.250 (/NRC-RCP), 10.255 (/RD-RCP), 10.260 (/MD-RCP), 10.265 (/DMS-RCP), and 10.270 (/BD-RCP); “alteration” means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.

Altered Shorelines. Shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.

Anadromous. Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

Apartment House. A building or portion thereof used or intended to be used as the home of three or more families or householders living independently of each other.

Auto Court. A combination or group of two or more detached or semidetached permanent dwellings or dwelling units occupying a building site in one ownership owned and used to furnish transient living accommodations.

Automobile, Mobile Home or Camping Vehicles Sales Area. Uncovered premises used for display, sales or rental of new or used automobiles, mobile homes, camping vehicles or accessories thereto.

Avulsion. A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

Awning. Any stationary structure, permanent or de-mountable, used in conjunction with a mobile home, other than a window awning, for the purposes of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

Basement. A story partly or wholly underground. A basement counts as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Beach. Gently sloping area of loose material (e.g., sand, gravel and cobbles) that extends landward from the low waterline (of the uppermost line of wave and tidal action) to a point where there is a definite change in the material type or land form, or to the line of vegetation.

Block. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad rights-of-way, unsubdivided acreage, watercourse or body of water.

Boarding House. A building or portion thereof having only one kitchen and used for the purpose of providing means and/or lodging for pay or compensation of any kind to more than three people, other than members of a family occupying such a dwelling.

Boundary. The boundary of the County of Lane, State of Oregon, or the boundary of any incorporated municipality within said County.

Bridge Crossings. The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

Bridge Crossing Support Structures. Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

Building. The terms "building" and "structure" are synonymous, and mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a parcel of land. This definition specifically includes a mobile home and accessories thereto. Driveways or walks not more than six inches higher than the ground on which they rest are not considered buildings.

Building Height. The vertical distance from the average finished grade at the front of the building to the highest point of a building, exclusive of chimneys.

Cabana. A stationary, lightweight structure, which may be prefabricated or demountable, with two or more walls, used adjacent to or in conjunction with a mobile home, to provide additional living space which is meant to be moved with the mobile home.

Campground. An area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open air shelters (adirondacks) may be provided on the site by the owner of the development.

Camping Vehicles. A vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is not being used for residential purposes, but for vacation and recreational purposes. If occupancy of a vehicle or structure exceeds 45 days in any 12-month period, it is presumed that said vehicle or structure is being used for residential purposes.

Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.

Carport. A stationary structure consisting of a roof with its supports and no more than one wall, or storage cabinet substituting for a wall, used for sheltering a motor vehicle.

Carrying Capacity. Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.

Carrying Capacity Management. The management of coastal resources to ensure that public infrastructure systems are appropriately sized, located and managed so that the quality and productivity of the resource and other natural areas are protected.

Cemetery. Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

Club. Any organization, group or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, this does not include any organization, group or association of which the chief activity is to render a service customarily carried on as a business.

Coastal Lakes. Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.

Coastal Recreation. Occurs in offshore waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of off-highway vehicles, shell collecting, painting, wildlife observation, and sightseeing, to the use of coastal resorts and water-oriented restaurants.

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Commercial Vehicle. Any pickup truck over one ton manufacturer's capacity rating or trucks, trailers, semi-trailers or similar vehicles designed and used or maintained primarily for business purposes, excluding vehicles designed primarily for agricultural or timber harvesting purposes which are located on the site of and utilized regularly in active farm or timber operations.

Communication Facilities. Towers, poles, cables or other devices used to transmit signals provided such facilities do not require filling of the estuary.

Community Sewerage Facility. A sewerage facility, whether publicly or privately owned, which serves more than a single or two-family residence, dwelling or mobile home for the purpose of disposal of domestic waste products.

Community Water System. A water supply system, whether publicly or privately owned, which serves more than a single or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household uses.

Construction Salvage Yard. Outside storage of used building materials, including sink units and bathroom fixtures, when such materials are stored on the lot for wholesale or retail sales, trade or use in a location other than on the lot where they are stored.

Contract of Annexation. Pursuant to a "contract of annexation", an owner of land and an adjacent incorporated city may agree that, upon fulfillment of certain conditions contained in the contract, the land will be annexed to the city.

Court. An open, unoccupied space, other than a yard, on the same lot with a building, and bounded on two or more sides by such building.

Court Apartments. One or more multiple dwellings arranged around two or three sides of a court which opens onto a street.

Curb Level. The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the County Engineer will establish such curb level for the purpose of this article.

Day Nursery. Any institution, establishment or place in which are commonly received at one time three or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

Deflation Plain. The broad interdune area which is wind-scoured to the level of the summer water table. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.

Design Depth. The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:

- (1) The limits of dredging precision which causes "overdepth"; and
- (2) The practice, where approved by the Corps of Engineers, of "advanced maintenance" overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

Development. The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading.

Development, Minimal. Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.

District. A portion of the unincorporated territory of the County within which certain uses of land or water, or submerged or submersible lands and buildings are permitted and certain other uses of land, water and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lots areas are established, or within which certain height limitations are required for buildings, or within which certain off-street parking space is required, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in this chapter.

Dune. A hill or ridge of sand built up by wind along sandy coasts.

Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation-free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.

Dune, Older Stabilized. A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

Dune, Conditionally Stabilized. A dune presently in stable condition, but vulnerable to becoming active due to fragile vegetative cover.

Dune, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.

Dunes, Younger Stabilized. A wind-stable dune with weakly developed soils and vegetation.

Dune Complex. Various patterns of small dunes with partially stabilized intervening areas.

Dwelling. A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, by one or more families, but excluding hotels, motels, auto courts, mobile homes and camping vehicles.

Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling, Single-Family. A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.

Dwelling, Two-Family (Duplex). A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other, and having housekeeping facilities for each family.

Enhancement. An action which results in a long-term improvement of existing functional characteristics and processes that is not the result of a creation or restoration action.

Entrance channel. That portion of the waterway exposed to wave surge from the open sea and which provides protected access or opening to the main channel, as authorized by the Corps of Engineers.

Estuary/Estuarine. A body of water semi-enclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes:

(a) Estuarine water; (b) Tidelands, (c) Tidal marshes, and; (d) Submerged lands. Estuaries extend upstream to the head of tidewater.

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 18, 1985.

Expansion of an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Family.

(1) An individual, or group of two or more persons related by blood, marriage or legal adoption, and not more than three other persons unrelated to said group, living together as a single household unit, provided, however, that if all of those unrelated to said group are foster children, the number allowable within the definition of the term "Family" are as follows:

(a) Three, when there are three or more related children under age 18 living in the household;

(b) Four, when there are two related children under age 18 living in the household,

(c) Five, when there is only one related child under age 18 living in the household,

(d) Six, when there are no related children under age 18 living in the household; or

(2) A group of not more than five persons who need not be related by blood, marriage or legal adoption living together as a single nonprofit housekeeping unit.

Family Day Care Facility. As authorized and regulated by ORS 418.817, a care facility for children within a residential dwelling allowed by the residential, commercial or agricultural zone in which the day care center occurs. Such a facility may provide either full-time or part-time supervision and care for no more than 12 minor children including the children of the resident-operator(s).

Farm Use. Means:

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;

(2) The preparation, storage and disposal by marketing or otherwise of the products or byproducts raised on such land for human use and animal use;

(3) The propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the State Fish and Wildlife Commission;

(4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 10.020 above or land described in ORS 321.267(1)(e) or 321.415(5);

(5) The current employment of land for the primary purpose of making a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; or

(6) The on-site construction and maintenance of equipment and facilities used for the activities described in this definition.

Fill. Fill is the placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Activities such as diking, jetties, groins, breakwaters (non-floating) and dredge material (non-flow land) can also be considered fill if they: (a) involve the human placement of materials; and (b) create new uplands or raise the elevation of land.

Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated or vegetated to the degree that they are wind-stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.

Foredune, Active. An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.

Foredune, Conditionally Stable. An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.

Foredune, Older. A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.

Fraternity, Sorority, Student Home. A residential building in which living accommodations are furnished to college students.

Garage, Private Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage are required by this chapter, and which is not open for use by the general public.

Garage, Public Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this chapter, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

Grazing. The use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits. Land uses in any zoned district other than those described above and not included under the definition of "Agriculture" or "Timber Growing", regardless of land ownership, are subject to the provisions of this chapter. Tracts of five acres or less are presumed to be non-grazing, nonagricultural and not used for the growing of timber, unless proved to be otherwise.

Grazing, Low Intensity. Low intensity grazing is the use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivores at levels which will not damage permanent ground cover.

Group Care Home. Any home or private institution maintained and operated for the care, boarding, housing and training of four or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the

parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.

Guest House, Servants' Quarters. An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests-or by servants employed on the premises.

Half Story. That part of any building wholly or partly within the roof frame and not occupying more than two-thirds of the floor area immediately below it.

Height of Building. See "Building Height."

Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as a historic site or structure in the applicable comprehensive plan. Such property must otherwise comply with the definition of historic property in ORS 358.480.

Home Occupations. Any occupation or profession carried on by a member of the family residing on the premises; provided, however, that such use is not detrimental to the general residential character of the neighborhood, residential values and the personal enjoyment by the residents of surrounding properties.

Horticulture. See "Agriculture."

Hotel, Lodging House or Rooming House. A building or portion thereof containing four or more sleeping rooms customarily occupied as more or less temporary abiding places for individuals.

Hospitals. Institutions devoted primarily to the rendering of healing, curing and nursing care, which maintain and operate facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding 24 hours.

Hydraulic. Related to the movement or pressure of water.

Hydraulic Hazards. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.

Hydraulic Processes. Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes and rivers).

Individual Sewage Facility. A privately owned sewage facility which serves a single or two-family residence, dwelling or mobile home for the purpose of disposal of domestic waste products.

Individual Water System. A privately owned water supply system which serves a single or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household use.

Inoperable Vehicle. Any vehicle not functional because of a mechanical or other defect, or not currently licensed for operation on public streets. Off-road vehicles used for farming or timber operations, recreation or for on-site use in conjunction with a valid business being conducted on the premises are excluded from this definition.

Interdune Area. Low-lying areas between higher sand landforms and which are generally under water during part of the year.

Intertidal. Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).

Jetty. A structure extending seaward from the mouth of a river designed to stabilize the river mouth by preventing the build up of material at the river's mouth, and to direct or confine the stream or tidal flow.

Junk. Outside storage of used materials, including, but not limited to, home and industrial appliances, scrap iron, aluminum or other metals, plastic, cardboard,

machinery, bottles, cans and all materials similar to the above, excluding storage of materials in conjunction with a use permitted by a zoning district.

Junk Yard. Lot used in whole or in part for buying, selling, trading or dealing commercially in any manner with outside storage of junk, with the exception of salvage or recovery operations otherwise allowed by a zoning district.

Interior Lot. A lot, other than a corner lot, having frontage on only one street.

Kennel. Any lot on which three or more dogs over the age of four months are kept.

Key Lot. A lot, the side of which abuts the rear line of one or more adjacent lots.

Key Urban Facilities and Services. Those public facilities and services important to urban development. They are primarily planned for by local government and are to be provided in the manner, type and time period as established in the portion of the Comprehensive Plan for each respective city Urban Growth Boundary.

Kitchen. Any room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation of food and/or the washing of dishes.

Lane County Planning Commission. See LC 1.010.

Legal Interest. An interest in property not confined solely to ownership or possessory interest, but including all interests in property which in the discretion of the Planning Director, are not inconsistent with the intent and purposes of this chapter. Such interests may include, but are not limited to, the following: owner, contract purchaser, lessee, renter, licensee, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

Loading Space. An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

Lot. All land within property lines which supports or may support a building and accessory buildings, including such open spaces as are required by this chapter. Contiguous land under the same ownership which has not been divided through partitioning, subdivision or other means approved by Lane County is considered one lot.

Lot Area. The total area measured on a horizontal plane within the lot lines of a lot.

Lot Depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot Line, Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line is the narrowest street frontage or as shown on the official plat of the property.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line. In the case of a triangular-shaped lot, the rear lot line for building purposes is assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot line which is not a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Main Channel. That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.

Maintain. Support, keep, and continue in an existing state or condition without decline.

Maintained Channels and Jetties. Only those channels or jetties authorized by Congress and which are periodically rehabilitated to deepen or stabilize the watercourse.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Structure. A structure that is designed or able to be relocatable, including but not limited to mobile home and recreational vehicles. The term does not apply to any building or structure regulated under the State of Oregon Structural Speciality Code.

Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

Mining. All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.

The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or non-surface impacts of underground mines.

Minor Navigational Improvements. Alterations necessary to provide water access to existing or permitted uses in conservation management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

Mitigation. For the purposes of LC 10.230 (NE-FCP), 10.235 (CE-FCP); the creation, restoration, or enhancement off an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

Mobile Home. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed before January 1, 1962; or a mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction; or a manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed in accordance with federal safety standards regulations in effect at the time of construction.

Mobile Home Park. Any place where four or more mobile homes are parked, placed or located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being

rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Natural Area. Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural historical, scientific, or paleontological features, or for the appreciation of natural features.

Natural Hazards. Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.

Navigational Aids. Human-made and human-installed devices designed to direct waterborne transportation within an estuarine area (i.e. beacons and buoys).

Navigational Improvements, Minor. Minor navigational improvements include removal of logs and stumps or specific items of debris in close proximity to the existing dredge channel which pose a threat to safe navigation. Minor navigational improvements may also include minor expansion of the channel or turnaround basin if needed to accommodate waterborne transport.

Near shore Deflation Plain. The interdune area just inland from and adjacent to the foredune which is wind scoured to the level of the summer water table resulting in standing water for all or a portion of the winter months. Soil type is generally Heceta 204.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 18, 1985.

Nonconforming Lot of Record. A parcel of land which lawfully existed as a lot in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the lot dimension requirements for the zoning district in which it is located.

Nonconforming Structure. A structure, or portion thereof, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance (1) no longer conforms to the setback, height, maximum lot coverage or other building development requirements of this chapter, or (2) is clearly designed and intended for uses other than any use permitted in the zoning district in which it is located.

Nonconforming Use. Use of a structure or land, or structure and land in combination, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the use requirements for the zoning district in which it is located.

Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

Occasionally Wet Interdune. An interdune form commonly occurring between dune crests or ridges which contains standing water in intermittent years or intermittently

throughout the year. The dune form consists primarily of Yaquina fine sand with high portions comprised of Westport soils and exhibits low shrubby or marshy vegetation.

Ocean Flooding. The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

Off-Street Parking Area. All area within lot lines exclusive of structures above ground level, whether undefined or specifically defined as a parking area as required by zoning.

Other Uses Similar to the Above. Other uses which, in the judgment of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same district.

Outdoor Advertising and Structure. Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree, wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" includes erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

Parking Area, Automobile. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

Parking Area, Private. Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this chapter and which is not open for use by the general public.

Parking Area, Public. Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots for retail customers, patrons and/or clients as required by this chapter.

Parking Space. A permanently maintained space with proper access for one standard sized automobile.

Planning Commission. See LC 1.010.

Planning Department. The Lane County Division of Planning and Zoning, Department of General Administration or as hereafter designated otherwise by Order of the Board of Commissioners.

Planning Director. The administrative official of Lane County, or his or her duly authorized representative, officially designated to administer the responsibilities of the Planning Department.

Prefabricated Structure. A building or structural unit that has been in whole or substantial part manufactured at an offsite location to be wholly or partially assembled on site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Speciality Code.

Public Sewerage Facility. A sewerage facility, whether publicly or privately owned, which serves a sole user for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Public Water System. A water supply system, whether publicly or privately owned, which serves a sole user for the purpose of supplying water for drinking, culinary

or household uses and where such water is provided for or is available for public consumption.

Ramada. A stationary structure having a roof extending over a mobile home; said structure may also extend over a patio or parking area for motor vehicles and is used principally for protection from sun and rain.

Recreation. Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.

(1) Recreation, High Intensity. High intensity recreation requires specially built facilities or occurs in such density or form that it requires or results in modification of the area or resource. Campgrounds, golf courses, public beaches and marinas are examples of high intensity recreation.

(2) Recreation, Low Intensity. Low intensity recreation does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, swimming, hunting, hiking, wildlife photography and beach and shore activities can be low intensity recreation.

Recreational Vehicle. A vacation trailer or other unit, with or without motive power, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational, camping, seasonal or emergency purposes and has a floor space of less than 400 square feet when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit must be identified as a recreational vehicle by the manufacturer or converter.

Recreational Vehicle Park. A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the comprehensive plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer, or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

Refinement Planning Process. Refinement plans are developed through process which includes at least the following elements: A predetermined citizen involvement process pre-established policy direction in adopted planning documents and planning commission and elected official process. In some cases, these processes would have to be expanded to include review and involvement by citizens, appointed and elected officials.

Residential Care Facility. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet DHR licensing requirements are not counted in the number of facility residents, and need not be related to each other or to any resident of the facility

Residential Home. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not

be related. Staff persons required to meet DHR licensing requirements are not counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

Residential Properties. Any lot not zoned for full-scale commercial or industrial permitted uses.

Restoration, Active. Use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.

Restoration, Estuarine. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 10.230 (NE-FCP), 10.235 (CE-FCP); estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

Restoration, Passive. The use of natural processes, sequences and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

Restoration, Shoreland. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 10.240 (/SN), 10.245 (/PW), 10.250 (/NRC), 10.255 (/RD), 10.260 (/MD); shoreland restoration means to revitalize or reestablish functional characteristics and processes of the shoreland diminished or lost by past alterations, activities, or catastrophic events.

Riding Academy. Any building or portion of property (1) upon which the skill and subject of horsemanship is taught for remuneration; or (2) made available for hire or remuneration for the teaching or training in the skill and subject of horsemanship. Exercise rings and show rings for riding, breaking, roping or showmanship, whether enclosed in a building or lot or parcel of land by a human-made barrier for public use and remuneration is considered an accessory use of the premises for a riding academy.

Riprap. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used.

Rural Land. Land outside urban growth boundaries that is:

- (1) Non-urban agricultural, forest or open space;
- (2) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or
- (3) In an unincorporated community.

Seasonal Farm Worker Housing. Housing limited in occupancy by seasonal farm workers and their immediate families, which is occupied no more than nine months a calendar year. "Seasonal farm worker" means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

Second-Hand Store. The collection, purchase, exchange or sale of used articles when such business is conducted entirely within an enclosed building.

Sewerage or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial wastes, garbage or other wastes.

Sign. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" does not include any display of official, court or public notices, nor does it include any display of official, court or public notices, nor does it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems must conform to illumination standards set forth in this chapter.

Sign Area. The entire area within a single, continuous perimeter formed by lines joined at right angles which encloses the extreme limits of such sign and which in no case passes through or between any adjacent elements of the same. However, such perimeter does not include any structural elements lying outside and below the limits of such sign and not forming an integral part of the display.

Site, Residential. An area of more or less intensive development, surrounding a dwelling, not less than 60 feet wide, nor less than 6,000 square feet in area and comparable to a normal city lot. (See LC 10.300-20).

Stable, Private. An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

Stable, Public. A building in which horses are kept for remuneration, hire or sale.

Storage. To accumulate in any outside location on a lot for more than 30 days any type of junk, equipment, inoperable vehicles, vehicle parts or combination thereof, except as otherwise allowed by this chapter, for preservation, later use or disposal. Equipment and building materials located on a lot for construction purposes, and for which a valid building permit is displayed, is not considered as being stored on the lot until after the structure is completed.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling above. (See "Basement.")

Streams, Class 1. Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing or migration routes. Stream flows may be either perennial or intermittent during parts of the year.

Street. A public thoroughfare, avenue, road, highway, boulevard, parkway, drive, lane, court, cul-de-sac or private easement, approved by the Planning Commission and recorded with the County Clerk, providing the roadway for ingress and egress from property abutting thereon.

Structural Alterations. See "Alter."

Structure. See "Building."

Structure or Facility That Provides Water-Dependent Access. For the purposes of LC 10.230 (NE-FCP), 10.235 (CE-FCP), 10.245 (/PW-FCP), 10.250 (/NRC-FCP), 10.255 (/RD-FCP), 10.260 (/DMS-FCP), 10.261, and 10.270 (/BD-FCP); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps,

water intake or discharge structures, or navigational aids. For the purposes of this specific definition, “access” means physical contact with or use of the water.

Substantial Damage. Damage sustained by a structure or manufactured home whereby the cost of restoring the structure or manufactured home to its before-damaged condition would equal or exceed 50 percent of the market value of the structure or manufactured home before the damage occurred.

Sun Exposure Plane. A sun exposure plane is an imaginary, inclined plane.

Northerly Exposures: Beginning on a line parallel to a front, side or rear property line and 10 feet within the abutting property or properties northerly from the northerly line or lines of the development site to which the sun exposure plane applies, and projecting thence due south at a 30E slope over the applicable development site.

Easterly, westerly and southerly exposures: Beginning on lines parallel to front, side or rear property lines and five feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plane applies, and projecting thence due west from the easterly line, due east from the westerly line and due north from the southerly line at a 60E slope over the applicable development site to a maximum distance of 30 feet, measured horizontally for each development site line.

Temporary Alteration. Dredging, filling, or another estuarine alteration occurring over a specified short period of time that is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) Alterations necessary for federally authorized projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance; (2) Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and (3) minor structures (such as blinds) necessary for research and educational observation.

Tidal Marsh. Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation.

Timber Growing or Forest Crops. The growing of trees for commercial purposes, tree products in the form of logs, chunks, bark or similar items; other minor forest crops, such as Christmas trees, cones, ferns, greenery, berries and moss.

Tourist Park. All campgrounds, picnic parks, camping vehicle parks and all other establishments rented or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or offered free in connection with securing the trade or patronage of such person or for indirect benefit to the owner in connection with a related business.

Upland Interdunal Plain. These are broad, flat interdune forms at elevations of 80 feet or higher above sea level. These areas exhibit a high groundwater table although areas of standing water are infrequent. The soils are Yaquina fine sand 225A, often with a shore pine and spruce forest cover.

Urban. Those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (a) have concentrations of persons who generally reside and work in the area, and (b) have supporting public facilities and services.

Urbanizable. Those lands within an urban growth boundary and which are identified and a) determined to be necessary and suitable for future urban use areas, and b) can be served by urban services and facilities, and c) are needed for the expansion of an urban area.

Use. The purpose for which land, submerged or submersible lands, the water surface or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Vehicle. Every device designed to move by any means other than human power over public roads and highways.

Visible. Capable of being seen from a height of not more than five feet above ground level with the unaided eye by a person of normal visual acuity.

Vision Clearance. A triangular area of the street or highway corner of a corner lot or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction exceeding three and one-half feet in height above the curb level.

Water Dependent Use. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

(1) For the purposes of LC 10.230 (NE-FCP), 10.235 (CE-FCP), 10.245 (/PW-FCP), 10.250 (/NRC-FCP), 10.255 (/RD-FCP), 10.260 (DMS-FCP), 10.261, and 10.270 (/BD-FCP); the following definitions apply:

(a) “Access” means physical contact with or use of the water;

(b) “Energy production” means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

(c) “Recreation” means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

(d) “Requires” means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;

(e) “Source of water” means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(f) “Water-borne transportation” means use 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, terminal and transfer facilities);

(2) Typical examples of “water dependent uses” include the following:

(a) Aquaculture.

(b) Certain scientific and educational activities which, by their nature, require access to coastal waters – estuarine research activities and equipment mooring and support.

(c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(d) For the purposes of LC 10.230 (NE-FCP), 10.235 (CE-FCP), 10.245 (/PW-FCP), 10.250 (/NRC-FCP), 10.255 (/RD-FCP), 10.260 (DMS-FCP), 10.261, and 10.270 (/BD-FCP); examples of uses that are not “water dependent uses” include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.

(e) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of

water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.

(f) Recreational. Recreational marinas, boat ramps and support.

Water Oriented Use. A use whose attraction to the public is enhanced by a view of or access to coastal waters.

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

Water System. A source of water and any associated distribution system for water.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Winery. A facility which produces wine and which (1) produces less than 50,000 gallons per year; and owns an onsite vineyard of at least 15 acres or a contiguous vineyard of at least 15 acres and owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 15 acres, or obtains grapes from any combination of these three sources; or (2) produces more than 50,000 gallons but less than 100,000 gallons per year; and owns an onsite vineyard of at least 40 acres or a contiguous vineyard of at least 40 acres, and owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 40 acres, or obtains grapes from any combination of these three sources.

A winery as defined here is permitted only for the sale of wines produced in conjunction with the winery, and items directly related to wine, the sales of which are incidental to retail sale of wine onsite and which may include those served by a limited service restaurant as defined in ORS 624.010.

Wrecking Yard. Lots used in whole or in part for storing vehicles for the purpose of substantially altering the form, wrecking, dismantling, assembling or disassembling and offering for sale or trade the altered vehicle or components thereof.

Yard. An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided therein. Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.

Yard, Rear. An open, unoccupied space on the same lot with a building, between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 24-72, 2.20.73; 3-73, 5.11.73; 1-74, 3.6.74; 2-74, 4.19.74; 14-74, 12.27.74; 11-75, 9.5.75; 9-79, 2.8.80; 2-80, 6.13.80; 11-80, 7.24.80; 19-80, 8.20.80; 1-82 As Amended, 4.16.82; 10-82, 7.9.82; 3-91, 5.17.91; 12-97, 11.20.97; 10-07, 10.19.07)*

10.020-15 Coastal Definitions. In addition to the definitions provided in LC 10.020-10 above, the definitions below must be used in the application of LC 10.225-10.270. In instances where there is a discrepancy between definitions provided in LC 10.020-10 and the definitions provided in LC 10.020-15, the definitions of LC 10.020-15 supersede for LC 10.225-10.270.

Alter the Estuary. Actions which would potentially alter the estuarine ecosystem include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources.

Buffer Zone. A physical setback from a sensitive area used to protect the water quality, the aquatic and riparian wildlife communities, and the habitat value within the sensitive area. The start of the buffer starts at the edge of the defined channel (bank full stage) for streams/streams, delineated wetland boundary, delineated spring boundary, or average high water for lakes.

Conserve. To manage in a manner which avoids wasteful or destructive uses and provides for future availability.

Dock. A deck, whether floating or on pilings, that serves as a landing place, recreational facility, etc.

Dolphin. A cluster of piles.

Drainage Way. The bed and banks of a waterway used to discharge surface waters from a given area. It also includes adjacent areas necessary to preserve and maintain the drainage channel.

Ecosystem. The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are inter-related.

Encourage. Stimulate; give help to; foster.

Estuarine Impact Assessment. An evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. The Estuarine Impact Assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, in place of a Resource Capabilities Assessment, when an Environmental Impact statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.

Floodplain. The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.

Flood, Regional (100-Year). A standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than-normal rainfall or stream flows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.

Geologic. Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.

Groundwater. Water in the zone of saturation beneath the surface of the earth.

Headlands. Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. Oregon headlands are generally identified in the report on Visual Resource Analysis of the Oregon Coastal Zone, Oregon Coastal Conservation and Development Commission, 1974.

Hydrologic. Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.

Impact. The consequences of a course of action; effect of a goal, guideline, plan or decision.

Insure. Guarantee; make sure or certain something will happen.

Integrity. The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes.

The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.

Management Unit. A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.

Natural Resources. Air, land and water and the elements thereof which are valued for their existing and potential usefulness to humans.

Pier. A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection.

Pile. A long, heavy timber or section of concrete or metal to be driven or jetted into the earth or seabed to serve as a support or protection.

Piling. A group of piles.

Pollution. The introduction of contaminants into an environment that causes instability, disorder, harm or discomfort to the ecosystem, i.e., physical systems or living organisms.

Preserve. To save from change or loss and reserve for a special purpose.

Protect. Save or shield from loss, destruction, or injury or for future intended use.

Provide. Prepare, plan for, and supply what is needed.

Quality. The degree of excellence or relative goodness.

Resource Capabilities Assessment. An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. The assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, except where an Estuarine Impact Assessment is required instead. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

Riparian. Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

Riprap. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.

Salt Marsh. A tidal wetland supporting salt-tolerant vegetation.

Sediment. Any particulate matter that can be transported by fluid flow and which eventually is deposited. Sediments are most often transported by water (fluvial processes), transported by wind (aeolian processes), and glaciers. Beach sands and river channel deposits are examples of fluvial transport and deposition, though sediment also often settles out of slow-moving or standing water in lakes and oceans. Sand dunes are examples of aeolian transport and deposition.

Sedimentation. The process of forming sediment in liquid: the process by which particles in suspension in a liquid form sediment.

Shoal. A sandbank or reef creating shallow water, especially where it forms a hazard to shipping. A shoal or sandbar (also called sandbank) is a somewhat linear

landform within or extending into a body of water, typically composed of sand, silt, or small pebbles. A bar is characteristically long and narrow (linear) and develops where a stream or ocean current promotes deposition of granular material, resulting in localized shallowing (shoaling) of the water.

Shoaling. A decrease in water depth, especially near a shoreline.

Shoreline. The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.

Structure. See “Building.” The definition also means anything constructed, installed, or portable, the use of which requires a location on the ground, either above or below water.

ESTUARY DISTRICT ADMINISTRATION (FCP)

10.225-05 Applicability.

(1) The following two Estuary Zones apply to the Siuslaw River Estuary within the Florence Urban Growth Boundary outside of the city limits: Natural Estuary (NE-FCP) and Conservation Estuary (CE-FCP). These zoning districts implement the requirements of Statewide Planning Goal 16 and policies in the Florence Comprehensive Plan and corresponding “management units.”

(2) Estuary Zoning Districts are applied to portions of the estuary within the Florence Urban Growth Boundary as classified on the Lane County Zoning Map.

10.225-10 Resource Capability Assessment.

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

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

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

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

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

(a) The type and extent of alterations expected.

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

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

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

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

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

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

(a) The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or

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

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

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

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

(a) U.S. Fish and Wildlife Service

(b) U.S. Environmental Protection Agency

(c) U.S. Army Corps of Engineers

(d) National Marine Fisheries

(e) Oregon Dept. of Fish and Wildlife

(f) Oregon Dept. of Land Conservation and Development

(g) Oregon Department of State Lands

(h) Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

10.225-15 Estuarine Impact Assessment.

(1) Purpose: The purpose of this subsection is to provide a procedure for evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. Activities which require an Estuarine Impact Assessment do not also require a Resource Capability Assessment. Uses which are permitted outright do not require an Estuarine Impact Assessment. Uses in Estuary Zones requiring a Special Use Permit or a Conditional Use Permit will require an Estuarine Impact Assessment only when an Environmental Impact Statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.

(2) Information to be presented in the Estuarine Impact Assessment: Information contained in an Estuarine Impact Assessment must be used in the evaluation of a use or activity during a Special Use Permit or Conditional Use Permit procedure. As part of the permit review, information developed by resource agencies may be requested and used in the determination. Any possibilities of reducing duplication of effort by the County and other agencies will be utilized so long as necessary information is adequately analyzed. Information contained in the Estuarine Impact Assessment may be drawn from available data and analysis contained in the Lane County Coastal Resources Inventory, environmental impact statements and assessments for projects in the Siuslaw River estuary, other published studies pertaining to the Siuslaw River estuary or more current information provided by applicant.

The Estuarine Impact Assessment must apply available information to the following general areas of analysis: the type and extent of alterations expected; the type of resources affected; the expected extent of the impact of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary; and the methods which could be employed to avoid or minimize adverse impacts, and as specifically detailed below. The Planning Director may waive inapplicable items for any particular use or project.

(a) Aquatic life forms and habitat, including information on: habitat type and use (e.g., rearing, spawning, feeding/resting, migration), species present, seasonal abundance, sediment type and characteristics and vegetation present. The type of alteration, including information detailing the extent of alteration (e.g., area measurement, depths to which alteration will extend, volumes of materials removed and/or placed as fill), impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.

(b) Shoreland life forms and habitat, including information on: habitat type and use (e.g., feeding, resting or watering areas, flyways), species present, seasonal abundance, soil types and characteristics, and vegetation present. Impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.

(c) Water quality, including information on: increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.

(d) Hydraulic characteristics, including information on: changes in water circulation patterns, shoaling patterns, potential of erosion or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction, diversion or impoundment of water resources.

(e) Air quality, including information on: quantities of emissions of particulates, expected inorganic and organic airborne pollutants.

(f) Impact of the proposed project on navigation and public access to the shoreline and aquatic areas.

(g) Demonstration of public need to warrant such a modification to the estuary.

(h) Demonstration that non-water-dependent uses will not preempt existing or future water-dependent use of the area.

(i) Determination of the potential cumulative impact of the proposed development, including alteration of adjacent significant fish and wildlife habitat and essential properties of the estuary.

(j) Presentation of upland alternatives and methods to minimize preventable adverse impacts.

(k) Determination of need for mitigation.

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

(a) The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or

(b) The use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or

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

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

(4) Notification of Agencies: Any application that is subject to the provisions of this section must, at a minimum, be referred to the following:

(a) U.S. Fish and Wildlife Service

(b) U.S. Environmental Protection Agency

(c) U.S. Army Corps of Engineers

(d) National Marine Fisheries

(e) Oregon Dept. of Fish and Wildlife

(f) Oregon Dept. of Land Conservation and Development

(g) Oregon Department of State Lands

(h) Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

10.225-20 Consultant's Reports.

Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein; the applicant may be required to submit a supplementary report containing findings prepared by an environmental scientist, hydrologist, engineer, geologist, biologist, or other qualified consultant.

10.225-25 Uses Subject to State and Federal Permits.

(1) When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(2) Applicants shall provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

(3) Any authorization for a use allowed within this District must also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

10.225-30 Emergencies.

Estuarine alterations performed under emergency conditions for which the Department of State Lands or other agency with such authority has issued an emergency permit, does not violate this Chapter. The party performing work must submit a copy of written confirmation of such an emergency permit to the County.

NATURAL ESTUARY ZONE (NE-FCP)

10.230-05 Purpose.

The purpose of the Natural Estuary Zone (NE-FCP) is to assure the protection of significant fish and wildlife habitats and the continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives. The boundaries of the NE-FCP zone are determined by the natural estuarine features. The NE-FCP Zone includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. These are as identified on the official Lane County Coastal Zoning Maps. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.230-10 Permitted Uses.

The following uses and no others are permitted outright, provided that no such use involves dredge or fill:

- (1) Undeveloped low-intensity water-dependent recreation.
- (2) Research and educational observations.
- (3) Navigational aids, such as beacons and buoys.
- (4) Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (5) Passive restoration measures.

(6) Maintenance of riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits; and such maintenance must not increase the size, extent, or scope of the riprap or otherwise alter the estuary.

- (7) Bridge crossings.

(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 7-91, 6.5.91; 10-04, 6.4.04)

10.230-15 Special Uses Approved by Planning Director.

The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in LC 14.150 upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 230-25, and the purpose of the NE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.230-30. A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

(1) Bridge crossing support structures and dredging necessary for their installation; and dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels.

(2) Expansion of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits.

10.230-20 Conditional Uses.

The Hearings Official, subject to the procedures and conditions set forth in LC 14.300, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.230-25, and the purpose of the NE-FCP Zone, and upon satisfaction of the all of the applicable criteria in LC 10.230-30 and below. A Resource Capability Assessment is required as set forth in LC 10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

(1) Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

(2) Communication facilities.

(3) Active restoration of fish and wildlife habitat or water quality and estuarine management.

(4) Boat ramps for public use where no dredging or fill for navigational access is needed.

(5) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.

(6) Temporary alterations, subject to the requirements in the introduction to Conditional Uses and the following additional criteria: the alteration must support a use expressly allowed in this Management Unit in the Florence Comprehensive Plan; it must be for a specified short period of time, not to exceed three years, and the area and affected resources can be restored to their original condition.

(7) Short-term fills for temporary alterations provided the estuarine areas impacted must be restored following removal of the fill. All other fills, regardless of volume, are prohibited in this Management Unit.

(8) Installation of new riprap for protection of uses existing as of October 7, 1977, unique natural resource, historical and archaeological values; and public facilities.

(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4-8-81; 6-83, 4.15.83; 16-83; 9.14.83; 7-91, 6.5.91)

10.230-25 Consistency with Resource Capabilities.

A use or activity is consistent with the resource capabilities of the Natural Estuary Zone when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

10.230-30 Alterations to Estuary.

Dredging and fill and other activities which could potentially alter the estuary are prohibited in this Zone except as expressly permitted through a Special Use Permit or

Conditional Use Permit in LC 10.230-15 or -20. When allowed in LC 10.230-15 or -20, these uses or activities must meet all of the following criteria:

- (1) No feasible alternative upland locations exist;
- (2) The activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in LC 10.230-10, -15 and -20;
- (3) Land use management practices and non-structural solutions to problems of erosion and flooding are preferred to structural solutions. Where shown to be necessary and as allowed in LC 10.230-15 or -20, dredging and fill (whether located in the waterways or on shorelands above ordinary high water mark) must be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
- (4) Dredge or fill activities, found to be subject to state mitigation requirements, must be mitigated, if found to be subject to the mitigation requirement in state law, by creation, restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary such as its natural biological productivity, habitats and species diversity, unique features and water quality; and
- (5) All federal and state requirements, including mitigation requirements, are met as a condition of approval.

(Revised by Ordinance No. 4-02, Effective 4.10.02)

CONSERVATION ESTUARY ZONE (CE-FCP)

10.235-05 Purpose.

The purpose of the Conservation Estuary Zone (CE-FCP) is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this District. The boundaries of the CE-FCP Zone are defined by natural features. The CE-FCP Zone includes minor tracts of salt marsh, tidflats, eelgrass and algae beds; and those not included in the Natural Estuary Zone (NE-FCP). This Zone also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as identified on the official Lane County Coastal Zoning Maps. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.235-10 Permitted Uses.

The following uses and no others are permitted outright, provided that no such use involves dredge or fill:

- (1) All uses permitted outright in the Natural Estuary Zone, LC 10.230-10.
- (2) Maintenance of existing riprap which is currently serviceable and was previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance must not increase the size, extent, or scope of the riprap, or otherwise alter the estuary.
- (3) Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing structure, or otherwise alter the estuary.

(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91; 10-04, 6.4.04)

10.235-15 Special Uses Approved by the Planning Director.

The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in LC 14.150 upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.235-25, and the purpose of the CE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.235-30. A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

(1) All uses permitted through a Special Use Permit in the Natural Estuary Zone in LC 10.230-15.

(2) Expansion of existing riprap, provided the riprap is necessary to protect an existing use or a use that is permitted outright or with Special Use Permit approval. The existing riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits.

(Revised by Ordinance No. 12-80, Effective 7.24.80; 6-83, 4.15.83; 16-83, 9.14.83)

10.235-20 Conditional Uses.

The Hearings Official, subject to the procedures and conditions set forth in LC14.300, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in 10.235-25, and the purpose of the CE-FCP Zone, and upon satisfaction of all of the applicable criteria in LC 10.235-30 and -35. A Resource Capability Assessment is required as set forth in 10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in 10.225-15.

(1) All Conditional Uses in the Natural Estuary Zone in LC 10-230-20.

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

(3) High-intensity water-dependent recreation, including public beaches, boat ramps, marinas and new dredging for boat ramps and marinas.

(4) Minor navigational improvements.

(5) Aquaculture requiring dredge or fill or other alteration of the estuary.

(6) Active restoration for purposes other than those listed above.

(7) Installation of new riprap, provided the riprap is necessary to protect an existing use or a use that is permitted outright or with Special Use Permit or Conditional Use Permit approval.

10.235-25 Consistency with Resource Capabilities.

A use or activity is consistent with the resource capabilities of the Conservation Estuary Zone when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

10.235-30 Alterations to Estuary.

Dredging and fill and other activities which could potentially alter the estuary are prohibited in this Zone except as expressly permitted through a Special Use Permit or Conditional Use Permit in LC 10.235-15 or -20. When allowed in LC 10-235.15 or -20, these uses or activities must meet all of the following criteria:

(1) No feasible alternative upland locations exist;

(2) The activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in LC 10.235-10, -15, and -20;

(3) Land use management practices and non-structural solutions to problems of erosion and flooding are preferred to structural solutions. Where shown to be necessary and as allowed in LC 10.235-15 or -20, dredge and fill, whether located in the waterways or on shorelands above ordinary high water mark, must be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

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

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

10.235-35 Public and private piers and docks.

Public and private piers and docks must meet the following additional criteria:

(1) The size and shape is limited to that required for the intended use.

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

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

FLORENCE COASTAL SHORELANDS COMBINING ZONE ADMINISTRATION

10.240-05 Application of Combining Zones.

Florence Coastal Shorelands Combining Zones are applied to Coastal Shorelands within the Florence Urban Growth Boundary.

10.240-10 Geographic Extent.

Florence Coastal Shorelands include all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal Lakes, and North Jetty Lake.

10.240-15 Relationship to Estuary Zones.

These combining zones implement policies in the Florence Comprehensive Plan and corresponding "management units."

The requirements of the adjacent Estuary Zones supersede the requirements for Coastal Shorelands; and the provisions of the adjacent Estuary Zone must be reviewed for any additional uses or requirements that may apply to the respective Coastal Shoreland Combining Zone. Shoreland uses and buffer zones must not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

10.240-20 Consultant's Reports.

Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein; the applicant may be required to submit a supplementary report containing findings prepared by an engineer, hydrologist, environmental scientist, geologist, biologist, or other qualified consultant.

10.240-25 Uses Subject to State and Federal Permits.

(1) When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(2) Applicants must provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application to the County in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

(3) The approval of any use authorized by the provisions of these Combining Zones must also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(4) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department.

10.240-30 Relationship to Base Zones.

The requirements imposed by the combining zones are in addition to those imposed by the base zone with which it is combined; or, if the combining zone conflicts with the requirements of that zone, the more restrictive requirements apply. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 16-83, 9.14.83)*

PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-FCP)**10.245-05 Purpose and Application.**

(1) Purpose. The purpose of the /PW-FCP Zone is to protect areas in and adjacent to the North Jetty Lake and the South Heceta Junction Seasonal Lakes that have native vegetation and habitats of specific species of concern and to protect wildlife habitat, water quality, bank stability, and provide flood control. The requirements imposed by the /PW-FCP Zone are in addition to those imposed by the zone or zones with which the /PW-FCP Zone is combined. Where the requirements of the /PW-FCP conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements apply.

(2) Application. The Prime Wildlife Combining Zone (/PW-FCP) is applied within the Florence Urban Growth Boundary to Coastal Lake Shorelands identified in inventory information and designated in the Florence Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species. The /PW-FCP Zone applies to the North Jetty Lake Shorelands as shown on the Official Lane County Coastal Zoning Maps. The extent of the /PW zone application for the South Heceta Junction Seasonal Lakes is determined through a Preliminary Investigation as specified below.

(3) Preliminary Investigation. Any land use or building permit application within the /PW-FCP Zone as it applies to the South Heceta Junction Seasonal Lakes requires a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the combining zone apply. The requirements of the combining zone apply in an area generally identified on the Official Lane County Coastal Zoning Maps and, specifically, in the site-specific information submitted by an applicant to determine whether the site possesses areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species identified in the Coastal Resources Inventory, or function to provide or affect water quality, bank stability or flood control. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.245-10 Permitted Uses.

The following structures and uses and no others are permitted outright, as hereinafter specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of vegetation adjacent to the lakes will be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "significant wildlife habitat." These areas will be specially evaluated prior to approval of vegetation removal plans to ensure the habitat has been adequately considered.

- (1) Harvesting of wild crops.
- (2) Low-intensity recreation.
- (3) Shore-secured floating moorages, mooring buoys, and other moorage facilities not physically anchored in adjacent lakes. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83)*

10.245-15 Special Uses Approved by the Planning Director.

The following specified uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150 provided all criteria below and the requirements set forth in LC 10.245-30, -35, and -40 are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14 days to review and comment on the impact of

development on critical habitats and will request suggestions concerning ways to avoid or mitigate identified adverse impacts.

(1) Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zoning zone, provided all requirements set forth in LC 10.245-30, -35, and -40 below are met.

(2) Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /PW-FCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 10.245-30, and -35, below, subject to the following criteria and conditions:

(a) The subject parcel existed prior to July 24, 1980.
 (b) The structures shall not occupy more than 30 percent of the lot area.
 (c) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(d) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

(e) All otherwise applicable requirements of this section are met.

(3) All buildings and uses permitted outright in the respective zone or zones with which the /PW-RCP Zone is combined, except as expressly prohibited by LC 10.245-25 and subject to meeting all of the following criteria:

(a) Maintain the natural quality of surface and subsurface waters.
 (b) Maintain bank stability.
 (c) Avoid sedimentation of coastal waters including the lakes.
 (d) Maintain a buffer at least comparable to that required in LC 10.245-30 and -35 below, or greater if necessary to provide flood control and preserve important wildlife habitat.

(e) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

(f) Any other applicable criteria provided within the base zone.

(g) All requirements set forth in LC 10.245-30 and -35, below. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)*

10.245-20 Conditional Uses.

The Hearings Official, subject to the procedures and conditions set forth in Lane Code 14.300, may grant a Conditional Use Permit for the following uses, provided all criteria below and the requirements set forth in LC 10-245-30 and -35 below are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14-days to review and comment on the impact of development on critical habitats and request suggestions concerning ways to avoid or mitigate identified adverse impacts.

(1) Riprap and other erosion control structures, provided the following additional criteria are met.

(a) The stabilization is necessary to protect uses allowed in the base zone.

(b) They are necessary because land use management practices and non-structural solutions cannot be used.

(c) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed structure must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(2) All buildings and uses permitted conditionally or by Special Use Permit in the base zone, except as expressly prohibited by LC 10.245-25 below, and subject to the following criteria and the criteria in sections LC 10.245-30 and -35:

(a) Maintain the natural quality of surface and subsurface waters.

(b) Maintain bank stability.

(c) Avoid sedimentation of coastal waters including lakes.

(d) Maintain a buffer at least comparable to that required in LC 10.245-30 and -35 below or greater if necessary to provide flood control and preserve important wildlife habitat.

(e) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

(f) Any other applicable criteria provided within the base zone.

(g) All requirements set forth in LC 10.245-30 and -35. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 13-82, 7.9.82; 16-83, 9.14.83)*

10.245-25 Prohibited Uses.

The following uses are specifically prohibited:

(1) Fill in coastal lakes.

(2) Fill in freshwater marsh areas.

(3) Dredged material disposal. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.245-30 Site and Development Requirements.

The below specified development requirements are in addition to those provided by the zone or zones with which the /PW-FCP is combined. See also LC 10.265 for additional requirements that may apply.

(1) If existing lots which are too small to accommodate the combined required setback in the base zone and the buffer, construction of a residence will be allowed in this total setback providing clearance of vegetation on the remainder of the lot is kept to an absolute minimum and hazard to life and property is minimal and acceptable.

(2) No more of a parcel's existing vegetation is permitted to be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(3) To the maximum degree possible, building sites must be located on portions of the site which exhibit the least vegetative cover.

(4) Outside the setback area, construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for public facilities. Where vegetation removal beyond that allowed in section F cannot be avoided, the site must be replanted during the next replanting season to avoid sedimentation of coastal lakes. The vegetation must be of native species in order to maintain the natural character of the area.

- (5) No topographic modification is permitted within 100 feet of the shore.
- (6) A 100 foot minimum buffer must be left in native vegetation, except where unsurfaced trails are provided.
- (7) All mature trees must be retained within the buffer except where removal is subject to requirements of the Oregon Forest Practices Act.
- (8) Structures must be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.
- (9) The exterior building materials must blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)*

10.245-35 Additional Setback Requirements.

Setbacks are as required in the zone or zones with which the /PW-FCP Zone is combined. In addition to the yard setbacks in the base zone, a 100 foot buffer is required. Use of this 100 foot buffer is as specified in LC 10.245-30. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

NATURAL RESOURCES CONSERVATION COMBINING ZONE (/NRC)**10.250-05 Purpose.**

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

(2) Intent. The requirements imposed by the /NRC-FCP Combining Zone are in addition to those imposed by the respective zone or zones with which the /NRC-FCP is combined. Where the requirements of the /NRC-FCP Combining Zone conflict with the requirements of the base zone, the more restrictive requirements apply. The requirements of the adjacent Estuary Zone supersede the requirements of this section of the Code. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.250-10 Permitted Uses.

In addition to the uses specifically allowed in the adjacent Estuary Zone, the following structures and uses and no others are permitted outright specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of riparian vegetation will be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to the approval of plans to ensure the habitat has been adequately considered. The following uses are allowed if consistent with the applicable requirements of the adjacent Estuary Zone:

(1) Harvesting of wild crops.

(2) Low intensity recreation.

(3) In or adjacent to lakes: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. This use as it pertains to the estuary is regulated by the applicable Estuary Zone.

(4) In or adjacent to lakes: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Lane Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources, as provided in the Conditional Use requirements in LC 10.250-20. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, refer to the applicable Estuary Zoning requirements.

(5) In or adjacent to lakes: mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83)*

10.250-15 Special Uses Approved by the Planning Director.

In addition to the Special Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150 upon satisfaction of the applicable criteria set forth in LC 10.250-30 and -35, except as expressly exempted below and except as expressly prohibited by LC 10.250-25, and provided they are consistent with the requirements of the adjacent Estuary Zone.

(1) Single-family homes, mobile homes, and such accessory buildings as allowed in the underlying zone.

(2) Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /NRC-FCP is combined where existing parcel size is insufficient for the development to meet the development, setback, and area requirements set forth in LC 10.250-30 and -35 provided the following criteria are met:

(a) The said parcel existed prior to July 24, 1980.

(b) The structures must not occupy more than 30 percent of the lot area.

(c) All applicable height restrictions are observed.

(d) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(e) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance is minimized.

(f) All otherwise applicable requirements of this section are met.

(3) All buildings and uses allowed as permitted uses in the respective zone with which the /NRC-FCP is combined, except as expressly prohibited by LC 10.250-25, and subject to the following additional criteria:

(a) The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Florence Comprehensive Plan.

(b) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(c) The use will not adversely affect the resource use of adjacent timber or agricultural lands.

(4) Dredged material disposal when the /NRC-FCP Combining Zone is used in conjunction with the /DMS-FCP Combining Zone, subject to the requirements of the /DMS-FCP Combining Zone. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-83, 9.14.83)*

10.250-20 Conditional Uses.

In addition to the Conditional Uses specifically allowed in the adjacent Estuary Zone, the Hearings Official, subject to the procedures and conditions set forth in Lane Code 14.300, may grant a Conditional Use Permit for the following uses, upon satisfaction of the applicable criteria, provided all applicable requirements set forth in LC 10.250-30 and -35 are met and they are found to be consistent with the requirements of the adjacent Estuary Zone.

(1) All buildings and uses allowed conditionally or by special use permit in the respective zone or zones with which the /NRC-FCP is combined, except where expressly prohibited by LC 10.250-25, and subject to the following criteria:

(a) All applicable criteria provided within the respective zone with which the /NRC-FCP is combined are met.

(b) The use will not adversely affect the aesthetic and biological characteristics of the site as identified in the Florence Comprehensive Plan.

(c) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(2) In Coastal Lakes: public and private docks and piers provided the following criteria are met and the use does not conflict with other requirements of this Code. For this use in or adjacent to the estuary, the requirements of the Estuary Zone apply.

(a) The size and shape must be limited to that required for the intended use.

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

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

(d) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed use must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(3) Fill in coastal lakes adjacent to the /NRC-FCP Combining Zone is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.

(a) The applicant must submit an analysis of the physical and biological impacts of the proposed fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(b) Cumulative and direct impacts on water quality and fish and wildlife must be minimized.

(c) The benefits of the proposed fill must outweigh the negative impacts on water quality and fish and wildlife and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(4) In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(a) The stabilization is necessary to protect uses allowed in the base zone.

(b) They are necessary because land use management practices and non-structural solutions cannot be used.

(c) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed structure

to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed structure must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 16-83, 9.14.83)*

10.250-25 Prohibited Uses.

Fill in freshwater marsh areas is specifically prohibited.

10.250-30 Site and Development Requirements.

The following specified development requirements are in addition to those provided by the respective zone or zones with which the /NRC-FCP is combined. See also LC 10.265 for additional requirements that may apply.

(1) For existing lots which are too small to accommodate the combined required setback in the underlying zone and the buffer, development will be allowed within the setback required in LC 10.250-35 only with approval of a variance issued under LC 10.330. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

(2) No more of a parcel's existing vegetation is permitted to be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements, and fire safety requirements.

(3) To the maximum degree possible, building sites must be located on portions of the site which exhibit the least vegetative cover.

(4) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 10.250-30, where vegetation removal beyond that allowed above cannot be avoided, the site must be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation must be of native species in order to maintain the natural character of the area.

(5) The requirements for parking and vision clearance are as provided by the respective District or Districts with which the /NRC is combined.

(6) No topographic modification is permitted within the 50 foot buffer specified by LC 10.250-35.

(7) The area within the 50 foot buffer must be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50 feet of native vegetation, the following kinds of modifications are allowable:

(a) Foot paths

(b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the County and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.

(c) Replanting of the area or other areas which have been previously cleared.

(8) All mature trees must be retained within the setback area specified by LC 10.250-35, except where removal is subject to requirements of the Oregon Forest Practices Act.

(9) Structures must be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.

(10) The exterior building materials must blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.

(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)

10.250-35 Additional Setback Requirements.

Setbacks must be as required in the base zone plus the additional below-specified setback requirements.

(1) In addition to the yard setbacks required in the base zone, a 50 foot buffer is required. The buffer is measured from the mean high tide for the ocean and estuary and from the average high water for coastal lakes. Use of this 50 foot buffer must be as specified in LC 10.250-30.

(2) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback is determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. At a minimum, structures must be set back from the mean higher high tide at least 100 feet measured horizontally. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING ZONE (/RD)

10.255-05 Purpose.

The Shoreland Residential Development Combining Zone (/RD-FCP) is applied to residential development management units in the Florence Comprehensive Plan along the Siuslaw River Estuary and Munsel Lake (a Coastal Lake). It is the purpose of the /RD-FCP Combining Zone to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal water. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary Zone for additional allowed uses and criteria. The requirements of any adjacent Estuary Zone supersede the requirements of this section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

The /RD-FCP Zone is specifically designed to carry out the following purposes:

(1) Protection of such natural resources as soil and such natural systems as drainage courses and waterways.

(2) Enhancement of renewable resources such as the coastal fisheries.

(3) Allow for recreation and public access to coastal water.

(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

10.255-10 Permitted Uses.

In addition to uses specifically allowed in the adjacent Estuary Zone, the following structures and uses, and no others, are permitted outright when consistent with all of the requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30:

(1) Harvesting of wild crops.

(2) Low intensity recreational activities.

(3) Uses and buildings permitted outright in the base zone.

(4) In or adjacent to lake: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts

on lake resources and does not alter the size, shape, or design of the existing structure. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(5) In or adjacent to lake: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Lane Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(6) In or adjacent to lake: maintenance of existing riprap which is currently serviceable and was previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance must not increase the size, extent, or scope of the riprap, and must not otherwise alter the lake. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(7) In lake: Mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements shall apply.

(8) Public boat launching ramps in lake. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.255-15 Special Uses Approved by the Planning Director.

In addition to Special Uses specifically allowed in the adjacent Estuary Zone, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150, upon affirmative findings of consistency with all of the requirements of an adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30. In addition, uses and buildings permitted in the base zone where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth in LC 10.255-25 and -30, are subject to the following criteria:

- (1) The subject parcel existed prior to July 24, 1980.
- (2) The structures do not occupy more than 30 percent of the lot area.
- (3) All applicable height restrictions are observed.
- (4) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

(5) All otherwise applicable requirements of this section are met. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-83, 9.14.83)*

10.255-20 Conditional Uses.

In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted, subject to approval by the Hearings Official. The Hearings Official, subject to the procedures and conditions set forth in LC 14.300, may grant a Conditional Use Permit for the following uses, when consistent with all of the requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30 and upon satisfaction of all applicable criteria.

(1) All buildings and uses allowed conditionally or by special use permit in the base zone, except where expressly prohibited by this section, subject to the following criteria:

- (a) All applicable criteria provided within the base zone are met.

(b) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(2) In Coastal Lakes, public and private docks and piers provided the following criteria are met and the use does not conflict with other requirements of this Code. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(a) The size and shape must be limited to that required for the intended use;

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

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

(d) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed use must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.”

(3) In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(a) The stabilization is necessary to protect uses allowed in the base zone.

(b) They are necessary because land use management practices and non-structural solutions cannot be used.

(c) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed structure must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(4) Fill in coastal lakes adjacent to the /RD-FCP Combining Zone is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.

(a) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(b) Impacts on water quality and fish and wildlife habitat must be minimized.

(c) The benefits of the proposed fill must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 16-83, 9.14.83; 7-91, 6.5.91)*

10.255-25 Site and Development Requirements.

The development requirements specified herein are in addition to those provided by the base zone. See also LC 10.265 for additional requirements that may apply.

(1) For existing lots which are too small to accommodate the combined required setback in the base zone and the buffer, development will be allowed within the setback required in LC 10.255-30 only with approval of a variance issued under Lane Code 10.330. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

(2) Development on shorelands within dune areas must not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the proposed structure or structures, accessory buildings, necessary access, and fire safety requirements.

(3) In all cases vegetative cover must be retained on lands within the shoreland area. Construction activities must occur in such a manner as to avoid unnecessary excavation and removal of native vegetation unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods are required during the construction phase of any project.

(4) A minimum fifty foot (50') buffer of native vegetation must be retained along the estuary (as measured from the mean high tide) and Coastal Lakes (as measured from the average high water).

(5) The area within the 50 foot buffer must be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowed:

(a) Foot paths

(b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the County and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.

(c) Replanting of the area or other areas which have been previously cleared.

(6) All mature trees must be retained in the buffer. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 13-82, 7.9.82; 7-91, 6.5.91)*

10.255-30 Additional Setback Requirements.

In addition to the yard setbacks required in the base zone, a 50 foot buffer is required along the estuary (as measured from the mean high tide) and coastal lakes (as measured from the average high water). Use of this 50 foot buffer must be as specified in LC 10.255-25 above. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-FCP)**10.260-05 Purpose.**

The Dredge Material/Mitigation Site Combining District (/DMS-FCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary Shorelands as identified in the Florence Comprehensive Plan. The purpose of the /DMS-FCP Zone is to protect designated dredge material disposal sites and mitigation sites. In addition to the requirements in this section, the requirements of the base zone, the coastal combining zone, and the adjacent estuary zone apply. Where there are conflicts among the provisions of this chapter, the stricter requirements apply. If the Shorelands are adjacent to the estuary, refer to the adjacent estuary zone for additional allowed uses and criteria. The requirements of any adjacent estuary zone supersede the requirements of this section of this chapter. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)*

10.260-10 Permitted Uses and Buildings.

In addition to uses specifically allowed in an adjacent estuary zone, the following uses are permitted outright, provided they are consistent with the requirements of the adjacent estuary zone, the coastal combining zone, and subject to the criteria below and in LC 10.260-15 and -20:

(1) Dredged Material Deposition. Dredge disposal is limited to those sites specifically identified for dredged material disposal in the Lane County Dredged Material Disposal Plan, as amended.

(2) The use of Mitigation Sites for disposal of dredged materials is expressly prohibited.

(3) Mitigation. Mitigation is limited to those sites specifically identified as mitigation sites in the Lane County Dredged Materials Disposal Plan, as amended. Mitigation must comply with the criteria in LC 10.260-15. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 6-83, 4.15.83)*

10.260-15 Dredging and Mitigation Site Criteria.

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

(2) When dredge or fill activities are permitted in intertidal or tidal marsh areas, their effect must be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained or findings must be adopted demonstrating that it is not possible to do no.

(3) Responsibility to Acquire Mitigation/Restoration Sites: The County is not required to acquire sites to mitigate for actions for which other agencies are responsible, including the dredging of the navigation channel and development of the estuary. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)*

10.260-20 Dredge Material Disposal Site Criteria.

(1) In order to protect the navigability of the river, sites (with the exception of designated "stockpile" sites) included in the adopted Siuslaw River Dredged Material Disposal Plan must be retained for that use until such time as the filling capacity has been reached, such determination to be based upon recommendation of the Army Corps of Engineers and other interested agencies and persons, or the site is removed from the

adopted, revised Siuslaw River Dredged Material Disposal Plan. However, sites that have reached their filling capacity which can be reconfigured to accept more material must to be retained. A determination that fill capacity has been reached must be based upon the recommendation of the Army Corps of Engineers and other interested agencies and persons.

(2) The re-classification of any applicable dredge material disposal site protection combining zone requires positive findings that one or both of the conditions in Criteria #1 are met, following public hearing.

(3) Stabilization of Dredged Materials: The Port of Siuslaw, the Corps of Engineers or other lead agency have the responsibility to stabilize any dredged materials deposited on a site. Stabilization must be done with appropriate vegetation after the materials are appropriately drained. These requirements for stabilization are not applicable to in- water or beach nourishment sites designed to be erosive/dispersive.

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

(5) Temporary use of dredged material disposal sites is permitted, providing no permanent facilities or structures are constructed or no man-made alterations take place which would prevent the use of the land as a disposal site, and the use is consistent with other policies contained in the Florence Comprehensive Plan and Lane Code.

(6) Dredge spoil disposal must provide adequate run-off protection and, wherever possible, maintenance of a riparian strip along the water.

10.260-25 Conditional Uses.

In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone and in the Coastal Combining Zone, the Hearings Official, subject to the procedures and conditions set forth in Lane Code 14.300, may grant a Conditional Use Permit for temporary uses permitted outright or conditionally in the base zone when found to be consistent with the requirements of the Coastal Combining Zone and adjacent Estuary Zone and the criteria below.

(1) No use is permitted that would interfere with the timely availability of sites for deposition of dredged materials.

(2) Stock pile sites must remain open and available for removal as well as deposition of dredged material.

(3) Recommendations of the Port of Siuslaw must be weighed heavily in consideration of proposed use.

10.260-30 Notification of Port of Siuslaw.

Applications for permits or actions on designated sites for dredged material disposal or mitigation/restoration require notification in writing to the Port of Siuslaw within ten (10) days of receipt of application. Application for permits or actions including, but not necessarily limited to, the following require notification:

(1) Conditional use permit.

(2) Special use.

(3) Building permit.

(4) Rezoning.

10.260-35 Responsibility to Acquire Mitigation/Restoration Sites.

The County is not required to acquire sites to mitigate for actions for which other agencies are responsible including the dredging of the navigation channel and development of the estuary.

10.260-40 Stabilization of Dredged Materials.

The Port of Siuslaw, the Corps of Engineers or other lead agency have the responsibility to stabilize any dredged materials deposited on a site. Stabilization must be done with appropriate vegetation after the materials are appropriately drained.

SPECIAL DEVELOPMENT STANDARDS (FCP)**10.261-05 Purpose.**

The purpose of this Section is to apply additional development standards to areas with potential natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water within the Florence Interim Urbanizing Area. Compliance with these standards is required in order to obtain a Special Use Permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands.

10.261-10 Identification of Potential Problem Areas.

At minimum, the following maps must be used to identify potential problem areas within the Florence Interim Urbanizing Area:

- (1) "Soils Map", Florence Comprehensive Plan Appendix 7.
- (2) "Beaches and Dunes Overlay Zone." See LC 10.265 and 10.270 for combining zone requirements. Where conflicts exist between those requirements and these, the more restrictive requirements must apply.
- (3) Other information made available may also be used to identify potential problem areas.

10.261-15 Development Standards.

The following standards apply to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in one of the above maps does not in fact exist on the subject property. These standards apply in addition to any standards required in the Zoning District and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards and other Code requirements, the strictest provisions apply unless stated otherwise.

- (1) Special Flood Hazard Area: All uses proposed in the flood area must conform to the provisions of the National Flood Insurance Programs.
- (2) Munsel Creek and Other Drainageways: A fifty foot (50') setback is required for all buildings from the creek channel, except by Director approval where it can be shown by accepted engineering practices or treatment that no erosion hazards, slide potential, or possible flood damage are likely to occur, and that riparian vegetation will be protected.
- (3) Active Dune Advancing Edge: No building is permitted within one hundred feet (100') of the leading edge of an active dune, except by the Director approval

where it can be shown by accepted engineering practices or treatment, or a County approved mitigation plan that no significant sand hazards are likely to occur. Applicant must demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant must also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the North Florence sole source aquifer or wildlife.

(4) Ocean Flooding, Tidal Flooding, Tsunami: (See above, Special Flood Hazard Area).

(5) Slopes Greater than Twelve Percent: For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the County and addressing drainage and revegetation.

(6) Active Dune Sands: Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, except where vegetative stabilization is prohibited on the property of State or Federal agencies, and it can be shown by accepted engineering practices or treatment, or a County approved mitigation plan that no significant sand hazards are likely to occur. Applicant must demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant must also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the North Florence sole source aquifer or wildlife. Stabilization may be required prior to development in cases where there are large unstabilized areas.

(7) Brallier and Heceta Soils: In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.

(8) Yaquina Soils and Wet Areas: In areas with seasonal standing water, construction of a drainage system and/or placement of fill material must be required according to plans prepared by a registered engineer and approved by the County.

10.261-20 Site Investigation Reports (SIR).

(1) Areas identified LC 10.261-10 and -15 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) may be issued except with affirmative findings that:

(a) Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or

(b) As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas.

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

(2) Permit Fee: A fee to offset the cost of time required to investigate and prepare findings may be set by Lane County.

(3) General Requirements for Phase II Site Investigation Reports include at least the following information. Additional information, commensurate with the level of hazard and site conditions must be submitted.

(a) Identification of potential hazards to life, proposed development, adjacent property, and the natural environment which may be caused by the proposed development.

(b) Mitigation methods for protecting the subject property and surrounding areas from each potential hazard.

(c) Acceptable development density.

(d) Identification of soils and bedrock types.

(e) Identification of soil depth.

(f) Water drainage patterns.

(g) Identification of visible landslide activity in the immediate area.

(h) History of mud or debris flow.

(i) In areas prone to landslide, mudflow and where slopes exceed 25%, reports must identify the orientation of bedding planes in relation to the dip of the surface slope.

(j) Recommendations for removal, retention, and placement of trees and vegetation.

(k) Recommendations for placement of all structures, onsite drives, and roads.

(l) Recommendations for protecting the surrounding area from any adverse effects of the development.

(4) Specific Standards for Phase II Site Investigation Reports will be determined on the basis of the information provided in the Phase I Site Investigation Report. At a minimum, specific standards must address the following (may include more than one category listed below):

(a) The SIR Phase II - Geologic Report must follow the "Guidelines for Preparing Engineering Geologic Reports in Oregon" as adopted by the Oregon State Board of Geologist Examiners or must meet the requirements for Site Investigation Reports as required by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The SIR Phase II – Geologic Report must address the following:

(i) An explanation of the site and scope of the study area (e.g. subdivision, specific lot, or for public improvements)

(ii) An explanation of the degree to which the condition affects the property use in question;

(iii) An explanation of the measures to be employed to minimize detrimental impacts associated with the condition;

(iv) An explanation of the condition-associated consequences the development and the loss-minimizing measures will have on the surrounding properties.

(b) SIR Phase II dealing with Beach or Dune areas must include the items as listed in the OCZMA Handbook, Implementation Techniques, Section III that begins on page 7.

(i) Due to the sandy soils and the fragile nature of the vegetative covering, care must be taken during any proposed construction in beaches and dune areas to minimize the amount of grading, excavation, removal of trees and other native vegetation in order to insure the stability of the soils.

(ii) All open sand area (pre-existing or newly created) must be planted or stabilized as soon as practicable after construction is completed.

(iii) Using accepted re-vegetation techniques, sand areas must be returned to their previous level of stability or to at least a conditionally stable level, following completion of construction. For large parcels or tracts, stabilization of the entire area may not be necessary as determined after consideration of a Site Investigation Report.

(iv) During extended construction periods, temporary sand stabilization measures must be employed to minimize sand movement and erosion caused by the removal of groundcover and soil.

(c) Slopes in the 12% to 25% range: Determine the presence of soil creep, fills, or signs of past instability. If hazards are present, engineering recommendations must be provided. If conditions require recommendations for foundation construction outside of the Building Code, those recommendations must be provided by an appropriately qualified professional engineer. If thorough examination of the site determines that no hazards are present, documentation by an appropriately qualified professional.

(d) Slopes greater than 25%:

(i) Subsurface exploration of areas above, below, and alongside known or suspected slides

(ii) Accurate identification and measurement of the limits of the slide mass

(iii) Identification of the stability of the slide mass and the mechanics of slide movement.

(iv) Identification of the orientation of bedding planes in relation to the dip of the surface slope

(v) A site specific grading and erosion control plan for site stabilization and construction

(vi) The methodology for determining the site stabilization plan

(vii) Recommendation of suitable setbacks, keeping in mind the anticipated life of the structure or development.

(e) Foredunes:

(i) Identification of a surveyed mean high tide line

(ii) Determination of the ocean shore vegetation line

(iii) Average annual rate that the shoreline is projected to migrate landward due to climate change (sea level rise, feet/year and increased storm intensity) and methodology used.

(iv) Historic stability of beaches in the general area

(v) Life expectancy of the structure

(vi) Elevation of the structure

(vii) Projected dune stabilization to protect site from wave action and methodology

(viii) History and projection of ocean flooding and methodology

(f) Properties along the Siuslaw River Estuary:

(i) Angle of repose for bluff material

(ii) Mean high tide, and highest measured tide

(iii) Extent of recent and historical cutbank, length of area and height of cut

(iv) Area of wave overtopping and furnish photographs or other evidence

(v) Current and historic stability of riverbank and rates of erosion in general area.

(vi) Projected rate of erosion and methodology

- (vii) Environmental resources present
- (viii) Impacts to be expected
- (ix) Description and photographs of current vegetation
- (g) Riprap or other Shoreland protective structures:
 - (i) Signed certification by the engineer or geologist that the protective structure will withstand the life of the development that it is protecting; or with the property maintenance plan, the structure will withstand the life of the development.
 - (ii) Once the protective structure is completed the engineer or geologist must provide a final summary that the protective structure was built according to the submitted plan.
- (h) Soils: The Site Investigation Report must address the following development constraints for the soil types.
 - (i) Brallier - These are wetlands which should not be developed due to their resource value and severe development constraints.
 - (ii) Dune Land - Development limitations on sand dunes can be slight to severe, depending on slope and whether adequate stabilization is done. These areas are superior to some of the other soil types in that there is no drainage problem. These areas are also known to include active sand dunes. Dune stabilization techniques should be addressed.
 - (iii) Heceta - These are interdunal swales and deflation plains. The high water table and poor drainage make these soils generally unsuitable for development.
 - (iv) Waldport - These are sand dunes which are covered with stabilization vegetation. Conditions are moderate to severe, depending on slope. The particular need here is to preserve existing vegetation and to stabilize soil which is disturbed. Drainage is not a problem. Areas with slopes greater than 12% should not be built on unless a site investigation determines the site to be buildable.
 - (v) Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.
 - (vi) Netarts - These are old stabilized dunes. Soils are well-drained. The topography is undulating to hilly. Where slopes are less than 12% there are few development restrictions.
 - (vii) Bohannon; Preacher/Bohannon/Slickrock - These areas have no restrictions except slope and suitability for forestland. They occur east of Munsel Lake Road in areas which are largely unbuildable due to slope.

10.261-25 Review and Use of Site Investigation Reports.

(1) The Phase I Site Investigation Report will be reviewed administratively. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Special Use Permit will be required.

If a Phase II Site Investigation Report is required, the Phase II conclusions must be submitted for Director review.

(2) Required Certifications and Inspections: For any Phase II SIR submitted, the registered professional of record must:

(a) Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.

(b) Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans.

(c) Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.

(3) Conditions of approval may be imposed and/or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects such as erosion, sand encroachment, destruction of desirable vegetation including inadvertent destruction by moisture loss or root damage, spread of noxious weeds, damage to archaeological resources, are mitigated or eliminated.

(4) Approval: The property owner must record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and must state, "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the Lane Code current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project."

FLORENCE BEACHES AND DUNES COMBINING ZONE ADMINISTRATION

10.265-05 Geographic Extent.

Coastal areas within the Florence Urban Growth Boundary subject to this section include beaches, active foredunes, and other foredunes which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. These areas, as they apply within the Urban Growth Boundary are shown on the official Lane County Coastal Zoning Maps.

10.265-10 Policy Basis.

The Beaches and Dunes Combining Zone (/BD-FCP) implements policies in the Florence Comprehensive Plan.

10.265-15 Site Investigation Report.

All land use and development permit reviews in an area where the Beaches and Dunes Overlay Zone applies must meet the requirements for a Site Investigation Report in LC 10.265 and the requirements in the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast unless specifically exempted in this code.

10.265-20 Consultant's Reports.

Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein; the application may be required to submit a supplementary report containing findings prepared by engineer, geologist, biologist, or other qualified consultant.

10.265-25 Uses Subject to State and Federal Permits.

(1) When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the City for the determination that applicable criteria are satisfied.

(2) Applicants must provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

(3) Any use authorized by the provisions of this Combining Zone must also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(4) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department

10.265-30 Relationship to Base Zones.

The requirements of the Beaches and Dunes Combining Zone are in addition to those imposed by the zone or zones with which it is combined. If the /BD-FCP zone conflicts with the requirements of zone or zones with which it is combined, the more restrictive requirements apply.

BEACHES AND DUNES COMBINING ZONE (/BD-FCP)

10.270-05 Purpose.

The Beaches and Dunes Combining Zone-Florence Comprehensive Plan (/BD-FCP) is intended to:

(1) Ensure the protection and conservation of coastal beach and dune resources.

(2) To prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.

(3) To provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.

(4) To prevent cumulative damage to coastal dune resources due to the incremental effects of development.

(5) To provide for such protection of beach and dune resources above and beyond that provided by the zone or zones with which it is combined. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.270-10 Prohibited Development.

(1) Residential, commercial, and industrial development is prohibited on beaches, active foredunes, on other foredunes which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding identified on the Official Lane County Coastal Zoning Maps and as further defined through a Phase I Site Investigation Report. Any other development requires a conditional use permit per LC 10.270-20.

(2) All development on slopes in excess of 25%.

(3) Buried fuel tanks.

10.270-15 Permitted Uses.

No uses permitted outright in this Combining Zone. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.270-20 Conditional Uses.

Development other than that identified in LC 10.270-10 is allowed in the zone with which the /BD-FCP zone is combined, subject to approval by the Hearings Official, upon satisfaction of all of the following criteria.

(1) Affirmative findings are adopted demonstrating that the proposed development is:

(a) adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and

(b) designed to minimize adverse environmental effects.

(2) The type of use is consistent with the purpose of this Combining Zone;

(3) The use will have minimal adverse effects on the site and adjacent areas;

(4) Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation meet the requirements of this Code;

(5) The proposal includes proven methods for protecting the surrounding area from any adverse effects of the development; and

(6) No hazards to life, public and private property, and the natural environment may be caused by the proposed use.

(7) Archaeological resources and other resources identified in the Florence Comprehensive Plan Chapters 5, 16, and 17, and respective inventories and studies must be protected.

(8) Erosion must be minimized that is caused by the destruction of desirable vegetation, including inadvertent destruction by moisture loss or root damage; the exposure of stable and conditionally stable areas to erosion; and construction of shore structures which modify current or wave patterns leading to beach erosion.

(9) Groundwater must be protected from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies.

(10) Sand removal is prohibited in the foredune area of the beach except that foredunes may be breached only to replenish sand supply in interdune areas, or, on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards), and only if the breaching and restoration after breaching is consistent with sound principles of conservation.

(11) Due to the sandy soils and the fragile nature of the vegetative covering, care must be taken during any proposed construction in beaches and dune areas to minimize the amount of grading, excavation, removal of trees and other vegetation in order to insure the stability of the soils. All open sand area (pre-existing or newly created) must be planted or stabilized as soon as practicable after construction is completed. Using accepted re-vegetation techniques, sand areas must be returned to their previous level of stability, following completion of construction. For large parcels or tracts, stabilization of the entire area may not be necessary as determined after consideration of a Site Investigation Report.

(12) During extended construction periods, temporary sand stabilization measures must be employed to minimize sand movement and erosion caused by the removal of groundcover and soil.

(13) Permits for beachfront protective structures may be issued only where development existed on January 1, 1977. "Development" in this context refers to houses, commercial and industrial buildings and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where a Statewide Planning Goal 18 exception to the requirement in Code Section B.1. has been approved. The proposed use must meet all of the following additional criteria:

(a) Visual impacts are minimized

(b) Necessary access to the beach is maintained

(c) Negative impacts on adjacent property are minimized

(d) Long-term or recurring costs to the public area avoided.

10.270-25 Coastal Shore Setback Requirements.

Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback is determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. At a minimum, structures must be set back from the mean high tide line at least 100 feet measured horizontally. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.270-30 Additional Site and Development Requirements.

The following requirements apply to all development:

- (1) Development must not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, septic requirements, and fire safety requirements.
- (2) Vegetation-free areas which are suitable for development must be used instead of sites which must be artificially cleared.
- (3) Areas cleared of vegetation during construction must be replanted within nine months of the termination of major construction activity.
- (4) Sand stabilization is required during all phases of construction.
- (5) Development must result in the least topographic modification of the site as is possible.
- (6) Significant structural loads or structural fills to be placed on dune areas where, based on the Site Investigation Report, compressible subsurface areas are suspected, is allowed only after a thorough foundation check and positive findings are reported.
- (7) The requirements for yards, setback, area, vision clearance and parking spaces is as provided in the zone with which the /BD-FCP is combined unless specifically provided otherwise by the provision of the /BD-FCP Zone. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

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Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

10.005 Lane Code 10.020-10

AUTHORITY

10.005 Authority.

Consistent with the controlling provisions of O.R.S. Chapter 215 and under the authority of the Lane County Home Rule Charter, land use zoning ~~shall be~~ governed by the provisions of this chapter. *(Revised by Ordinance No. 13-72, 7.21.72)*

TITLE

10.010 Title.

This chapter ~~shall be~~ known as the "Lane County Zoning Ordinance." *(Revised by Ordinance No. 13-72, 7.21.72)*

PURPOSE

10.015 Purpose.

The purpose of this chapter is to provide procedures for dividing the unincorporated portions of Lane County into districts and to provide requirements pertaining to such districts in accordance with a comprehensive plan, and is adopted to protect and promote the public health, safety, and welfare, and to promote the implementation of the Comprehensive Plan for Lane County. Such procedures and requirements are intended to achieve the following objectives:

- (1) To encourage the most appropriate use of land and resources throughout the County.
- (2) To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (3) To avoid undue concentration of population.
- (4) To secure safety from fire, panic, flood, and other dangers.
- (5) To prevent the overcrowding of land.
- (6) To provide adequate light and air.
- (7) To lessen congestion in the streets, roads, and highways.
- (8) To provide an environment of character in harmony with existing and proposed neighboring use of land.
- (9) To preserve and enhance the quality of Lane County's environment. *(Revised by Ordinance No. 13-72, 7.21.72)*

DEFINITIONS

10.020-05 Definitions Purpose.

For the purpose of this chapter only, the following words, terms and phrases are defined as follows and supersede definitions otherwise provided in this Code.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives ~~shall be~~ construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Where terms are not defined, they ~~shall~~ have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, ~~shall be considered as provides~~ ~~the~~ ordinary accepted meanings.

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**LEGISLATIVE
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10.020-10

Lane Code

10.020-10

10.020-10 Definitions.

Accessory Building: Any subordinate building or portion of a main building, the use of which is incidental, appropriate and subordinate to that of the main building.

Accessory Use. A use incidental, appropriate and subordinate to the main use of a lot or building.

Accretion. The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

Agriculture. Synonymous with definition of “farm use.”

Alley. A public way not over 30 feet wide, providing a secondary means of access to private property.

Alter or Alteration. To change any of the supporting members of a building or structure, such as bearing walls, columns, beams or girders. Any change, addition or modification in use, construction or occupancy. For the purposes of LC 10.225 (NE-RCP), 10.230 (CE-RCP), 10.235 (DE-RCP), 10.240 (/SN-RCP), 10.245 (/PW-RCP), 10.250 (/NRC-RCP), 10.255 (/RD-RCP), 10.260 (/MD-RCP), 10.265 (/DMS-RCP), and 10.270 (/BD-RCP); “alteration” means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.

Altered Shorelines. Shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.

Anadromous. Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

Apartment House. A building or portion thereof used or intended to be used as the home of three or more families or householders living independently of each other.

Auto Court. A combination or group of two or more detached or semidetached permanent dwellings or dwelling units occupying a building site in one ownership owned and used to furnish transient living accommodations.

Automobile, Mobile Home or Camping Vehicles Sales Area. Uncovered premises used for display, sales or rental of new or used automobiles, mobile homes, camping vehicles or accessories thereto.

Avulsion. A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

Awning. Any stationary structure, permanent or de-mountable, used in conjunction with a mobile home, other than a window awning, for the purposes of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

Basement. A story partly or wholly underground. A basement ~~shall be counted~~ as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Beach. Gently sloping area of loose material (e.g., sand, gravel and cobbles) that extends landward from the low waterline (of the uppermost line of wave and tidal action) to a point where there is a definite change in the material type or land form, or to the line of vegetation.

Block. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad rights-of-way, unsubdivided acreage, watercourse or body of water.

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Boarding House. A building or portion thereof having only one kitchen and used for the purpose of providing means and/or lodging for pay or compensation of any kind to more than three people, other than members of a family occupying such a dwelling.

Boundary. The boundary of the County of Lane, State of Oregon, or the boundary of any incorporated municipality within said County.

Bridge Crossings. The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

Bridge Crossing Support Structures. Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

Building. The terms "building" and "structure" ~~shall-beare~~ synonymous, and ~~shall~~ mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a parcel of land. This definition ~~shall~~ specifically includes a mobile home and accessories thereto. Driveways or walks not more than six inches higher than the ground on which they rest ~~shall-are~~ not ~~be~~ considered buildings.

Building Height. The vertical distance from the average finished grade at the front of the building to the highest point of a building, exclusive of chimneys.

Cabana. A stationary, lightweight structure, which may be prefabricated or demountable, with two or more walls, used adjacent to or in conjunction with a mobile home, to provide additional living space which is meant to be moved with the mobile home.

Campground. An area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open air shelters (adirondacks) may be provided on the site by the owner of the development.

Camping Vehicles. A vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is not being used for residential purposes, but for vacation and recreational purposes. If occupancy of a vehicle or structure exceeds 45 days in any 12-month period, it ~~shall-beis~~ presumed that said vehicle or structure is being used for residential purposes.

Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.

Carport. A stationary structure consisting of a roof with its supports and no more than one wall, or storage cabinet substituting for a wall, used for sheltering a motor vehicle.

Carrying Capacity. Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.

Carrying Capacity Management. The management of coastal resources to ensure that public infrastructure systems are appropriately sized, located and managed so that the quality and productivity of the resource and other natural areas are protected.

Cemetery. Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

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Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

Club. Any organization, group or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, this ~~shall~~ **does** not include any organization, group or association of which the chief activity is to render a service customarily carried on as a business.

Coastal Lakes. Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.

Coastal Recreation. Occurs in offshore waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of off-highway vehicles, shell collecting, painting, wildlife observation, and sightseeing, to the use of coastal resorts and water-oriented restaurants.

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Commercial Vehicle. Any pickup truck over one ton manufacturer's capacity rating or trucks, trailers, semi-trailers or similar vehicles designed and used or maintained primarily for business purposes, excluding vehicles designed primarily for agricultural or timber harvesting purposes which are located on the site of and utilized regularly in active farm or timber operations.

Communication Facilities. Towers, poles, cables or other devices used to transmit signals provided such facilities do not require filling of the estuary.

Community Sewerage Facility. A sewerage facility, whether publicly or privately owned, which serves more than a single or two-family residence, dwelling or mobile home for the purpose of disposal of domestic waste products.

Community Water System. A water supply system, whether publicly or privately owned, which serves more than a single or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household uses.

Construction Salvage Yard. Outside storage of used building materials, including sink units and bathroom fixtures, when such materials are stored on the lot for wholesale or retail sales, trade or use in a location other than on the lot where they are stored.

Contract of Annexation. Pursuant to a "contract of annexation", an owner of land and an adjacent incorporated city may agree that, upon fulfillment of certain conditions contained in the contract, the land will be annexed to the city.

Court. An open, unoccupied space, other than a yard, on the same lot with a building, and bounded on two or more sides by such building.

Court Apartments. One or more multiple dwellings arranged around two or three sides of a court which opens onto a street.

Curb Level. The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the County Engineer ~~shall~~ **will** establish such curb level for the purpose of this article.

Day Nursery. Any institution, establishment or place in which are commonly received at one time three or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

Deflation Plain. The broad interdune area which is wind-scoured to the level of the summer water table. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.

Design Depth. The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:

- (1) The limits of dredging precision which causes “overdepth”; and
- (2) The practice, where approved by the Corps of Engineers, of “advanced maintenance” overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

Development. The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading.

Development, Minimal. Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.

District. A portion of the unincorporated territory of the County within which certain uses of land or water, or submerged or submersible lands and buildings are permitted and certain other uses of land, water and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lots areas are established, or within which certain height limitations are required for buildings, or within which certain off-street parking space is required, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in this chapter.

Dune. A hill or ridge of sand built up by wind along sandy coasts.

Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation-free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.

Dune, Older Stabilized. A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

Dune, Conditionally Stabilized. A dune presently in stable condition, but vulnerable to becoming active due to fragile vegetative cover.

Dune, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.

~~“Conditionally” stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover.~~

Dunes, Younger Stabilized. A wind-stable dune with weakly developed soils and vegetation.

Dune Complex. Various patterns of small dunes with partially stabilized intervening areas.

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Dwelling. A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, by one or more families, but excluding hotels, motels, auto courts, mobile homes and camping vehicles.

Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling, Single-Family. A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.

Dwelling, Two-Family (Duplex). A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other, and having housekeeping facilities for each family.

Enhancement. An action which results in a long-term improvement of existing functional characteristics and processes that is not the result of a creation or restoration action.

Entrance channel. That portion of the waterway exposed to wave surge from the open sea and which provides protected access or opening to the main channel, as authorized by the Corps of Engineers.

Estuary/Estuarine. A body of water semi-enclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes:

(a) Estuarine water; (b) Tidelands, (c) Tidal marshes, and; (d) Submerged lands. Estuaries extend upstream to the head of tidewater.

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 18, 1985.

Expansion of an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Family.

(1) An individual, or group of two or more persons related by blood, marriage or legal adoption, and not more than three other persons unrelated to said group, living together as a single household unit, provided, however, that if all of those unrelated to said group are foster children, the number allowable within the definition of the term "Family" are as follows:

(a) Three, when there are three or more related children under age 18 living in the household;

(b) Four, when there are two related children under age 18 living in the household,

(c) Five, when there is only one related child under age 18 living in the household,

(d) Six, when there are no related children under age 18 living in the household; or

(2) A group of not more than five persons who need not be related by blood, marriage or legal adoption living together as a single nonprofit housekeeping unit.

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Family Day Care Facility. As authorized and regulated by ORS 418.817, a care facility for children within a residential dwelling allowed by the residential, commercial or agricultural zone in which the day care center occurs. Such a facility may provide either full-time or part-time supervision and care for no more than 12 minor children including the children of the resident-operator(s).

Farm Use. Means:

- (1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;
- (2) The preparation, storage and disposal by marketing or otherwise of the products or byproducts raised on such land for human use and animal use;
- (3) The propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the State Fish and Wildlife Commission;
- (4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 10.020 above or land described in ORS 321.267(1)(e) or 321.415(5);
- (5) The current employment of land for the primary purpose of making a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; or
- (6) The on-site construction and maintenance of equipment and facilities used for the activities described in this definition.

Fill. Fill is the placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Activities such as diking, jetties, groins, breakwaters (non-floating) and dredge material (non-flow land) can also be considered fill if they: (a) involve the human placement of materials; and (b) create new uplands or raise the elevation of land.

Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated or vegetated to the degree that they are wind-stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.

Foredune, Active. An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.

Foredune, Conditionally Stable. An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.

Foredune, Older. A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.

Fraternity, Sorority, Student Home. A residential building in which living accommodations are furnished to college students.

Garage, Private Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage are required by this chapter, and which is not open for use by the general public.

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Garage, Public Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this chapter, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

Grazing. The use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits. Land uses in any zoned district other than those described above and not included under the definition of "Agriculture" or "Timber Growing", regardless of land ownership, are subject to the provisions of this chapter. Tracts of five acres or less ~~shall are be~~ presumed to be non-grazing, nonagricultural and not used for the growing of timber, unless proved to be otherwise.

Grazing, Low Intensity. Low intensity grazing is the use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivores at levels which will not damage permanent ground cover.

Group Care Home. Any home or private institution maintained and operated for the care, boarding, housing and training of four or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.

Guest House, Servants' Quarters. An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests-or by servants employed on the premises.

Half Story. That part of any building wholly or partly within the roof frame and not occupying more than two-thirds of the floor area immediately below it.

Height of Building. See "Building Height."

Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as a historic site or structure in the applicable comprehensive plan. Such property must otherwise comply with the definition of historic property in ORS 358.480.

Home Occupations. Any occupation or profession carried on by a member of the family residing on the premises; provided, however, that such use is not detrimental to the general residential character of the neighborhood, residential values and the personal enjoyment by the residents of surrounding properties.

Horticulture. See "Agriculture."

Hotel, Lodging House or Rooming House. A building or portion thereof containing four or more sleeping rooms customarily occupied as more or less temporary abiding places for individuals.

Hospitals. Institutions devoted primarily to the rendering of healing, curing and nursing care, which maintain and operate facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding 24 hours.

Hydraulic. Related to the movement or pressure of water.

Hydraulic Hazards. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.

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Hydraulic Processes. Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes and rivers).

Individual Sewage Facility. A privately owned sewage facility which serves a single or two-family residence, dwelling or mobile home for the purpose of disposal of domestic waste products.

Individual Water System. A privately owned water supply system which serves a single or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household use.

Inoperable Vehicle. Any vehicle not functional because of a mechanical or other defect, or not currently licensed for operation on public streets. Off-road vehicles used for farming or timber operations, recreation or for on-site use in conjunction with a valid business being conducted on the premises ~~shall be~~ excluded from this definition.

Interdune Area. Low-lying areas between higher sand landforms and which are generally under water during part of the year.

Intertidal. Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).

Jetty. A structure extending seaward from the mouth of a river designed to stabilize the river mouth by preventing the build up of material at the river's mouth, and to direct or confine the stream or tidal flow.

Junk. Outside storage of used materials, including, but not limited to, home and industrial appliances, scrap iron, aluminum or other metals, plastic, cardboard, machinery, bottles, cans and all materials similar to the above, excluding storage of materials in conjunction with a use permitted by a zoning district.

Junk Yard. Lot used in whole or in part for buying, selling, trading or dealing commercially in any manner with outside storage of junk, with the exception of salvage or recovery operations otherwise allowed by a zoning district.

Interior Lot. A lot, other than a corner lot, having frontage on only one street.

Kennel. Any lot on which three or more dogs over the age of four months are kept.

Key Lot. A lot, the side of which abuts the rear line of one or more adjacent lots.

Key Urban Facilities and Services. Those public facilities and services important to urban development. They are primarily planned for by local government and are to be provided in the manner, type and time period as established in the portion of the Comprehensive Plan for each respective city Urban Growth Boundary.

Kitchen. Any room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation of food and/or the washing of dishes.

Lane County Planning Commission. See LC 1.010.

Legal Interest. An interest in property not confined solely to ownership or possessory interest, but including all interests in property which in the discretion of the Planning Director, are not inconsistent with the intent and purposes of this chapter. Such interests may include, but are not limited to, the following: owner, contract purchaser, lessee, renter, licensee, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

Loading Space. An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

Lot. All land within property lines which supports or may support a building and accessory buildings, including such open spaces as are required by this chapter.

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Contiguous land under the same ownership which has not been divided through partitioning, subdivision or other means approved by Lane County ~~shall be~~ considered ~~as~~ one lot.

Lot Area. The total area measured on a horizontal plane within the lot lines of a lot.

Lot Depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot Line, Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line ~~shall be~~ the narrowest street frontage or as shown on the official plat of the property.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line. In the case of a triangular-shaped lot, the rear lot line for building purposes ~~shall be~~ assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot line which is not a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Main Channel. That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.

Maintain. Support, keep, and continue in an existing state or condition without decline.

Maintained Channels and Jetties. Only those channels or jetties authorized by Congress and which are periodically rehabilitated to deepen or stabilize the watercourse.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Structure. A structure that is designed or able to be relocatable, including but not limited to mobile home and recreational vehicles. The term does not apply to any building or structure regulated under the State of Oregon Structural Speciality Code.

Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

Mining. All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.

The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or non-surface impacts of underground mines.

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Minor Navigational Improvements. Alterations necessary to provide water access to existing or permitted uses in conservation management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

Mitigation. For the purposes of LC ~~10.225 (NE-RCP)~~, 10.230 (~~CE-RCPNE-FCP~~), 10.235 (~~DE-RCPCE-FCP~~); the creation, restoration, or enhancement off an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

Mobile Home. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed before January 1, 1962; or a mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction; or a manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed in accordance with federal safety standards regulations in effect at the time of construction.

Mobile Home Park. Any place where four or more mobile homes are parked, placed or located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Natural Area. Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural historical, scientific, or paleontological features, or for the appreciation of natural features.

Natural Hazards. Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.

Navigational Aids. Human-made and human-installed devices designed to direct waterborne transportation within an estuarine area (i.e. beacons and buoys).

Navigational Improvements, Minor. Minor navigational improvements include removal of logs and stumps or specific items of debris in close proximity to the existing dredge channel which pose a threat to safe navigation. Minor navigational improvements may also include minor expansion of the channel or turnaround basin if needed to accommodate waterborne transport.

Near shore Deflation Plain. The interdune area just inland from and adjacent to the foredune which is wind scoured to the level of the summer water table resulting in

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standing water for all or a portion of the winter months. Soil type is generally Heceta 204.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 18, 1985.

Nonconforming Lot of Record. A parcel of land which lawfully existed as a lot in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the lot dimension requirements for the zoning district in which it is located.

Nonconforming Structure. A structure, or portion thereof, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance (1) no longer conforms to the setback, height, maximum lot coverage or other building development requirements of this chapter, or (2) is clearly designed and intended for uses other than any use permitted in the zoning district in which it is located.

Nonconforming Use. Use of a structure or land, or structure and land in combination, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the use requirements for the zoning district in which it is located.

Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

Occasionally Wet Interdune. An interdune form commonly occurring between dune crests or ridges which contains standing water in intermittent years or intermittently throughout the year. The dune form consists primarily of Yaquina fine sand with high portions comprised of Westport soils and exhibits low shrubby or marshy vegetation.

Ocean Flooding. The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

Off-Street Parking Area. All area within lot lines exclusive of structures above ground level, whether undefined or specifically defined as a parking area as required by zoning.

Other Uses Similar to the Above. Other uses which, in the judgment of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same district.

Outdoor Advertising and Structure. Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree, wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" ~~shall~~ includes erecting, constructing, posting, painting, printing,

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tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

Parking Area, Automobile. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

Parking Area, Private. Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this chapter and which is not open for use by the general public.

Parking Area, Public. Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots for retail customers, patrons and/or clients as required by this chapter.

Parking Space. A permanently maintained space with proper access for one standard sized automobile.

Planning Commission. See LC 1.010.

Planning Department. The Lane County Division of Planning and Zoning, Department of General Administration or as hereafter designated otherwise by Order of the Board of Commissioners.

Planning Director. The administrative official of Lane County, or his or her duly authorized representative, officially designated to administer the responsibilities of the Planning Department.

Prefabricated Structure. A building or structural unit that has been in whole or substantial part manufactured at an offsite location to be wholly or partially assembled on site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Speciality Code.

Public Sewerage Facility. A sewerage facility, whether publicly or privately owned, which serves a sole user for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Public Water System. A water supply system, whether publicly or privately owned, which serves a sole user for the purpose of supplying water for drinking, culinary or household uses and where such water is provided for or is available for public consumption.

Ramada. A stationary structure having a roof extending over a mobile home; said structure may also extend over a patio or parking area for motor vehicles and is used principally for protection from sun and rain.

Recreation. Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.

(1) Recreation, High Intensity. High intensity recreation requires specially built facilities or occurs in such density or form that it requires or results in modification of the area or resource. Campgrounds, golf courses, public beaches and marinas are examples of high intensity recreation.

(2) Recreation, Low Intensity. Low intensity recreation does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, swimming, hunting, hiking, wildlife photography and beach and shore activities can be low intensity recreation.

Recreational Vehicle. A vacation trailer or other unit, with or without motive power, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational, camping, seasonal or emergency purposes and has a

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floor space of less than 400 square feet when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit ~~shall~~**must** be identified as a recreational vehicle by the manufacturer or converter.

Recreational Vehicle Park. A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the comprehensive plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer, or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

Refinement Planning Process. Refinement plans are developed through process which includes at least the following elements: A predetermined citizen involvement process pre-established policy direction in adopted planning documents and planning commission and elected official process. In some cases, these processes would have to be expanded to include review and involvement by citizens, appointed and elected officials.

Residential Care Facility. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet DHR licensing requirements ~~shall~~**are** not ~~be~~ counted in the number of facility residents, and need not be related to each other or to any resident of the facility

Residential Home. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements ~~shall~~**are** not ~~be~~ counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

Residential Properties. Any lot not zoned for full-scale commercial or industrial permitted uses.

Restoration, Active. Use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.

Restoration, Estuarine. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC ~~10.225 (NE)~~, 10.230 (~~CENE-FCP~~), 10.235 (~~DECE-FCP~~); estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

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Restoration, Passive. The use of natural processes, sequences and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

Restoration, Shoreland. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 10.240 (/SN), 10.245 (/PW), 10.250 (/NRC), 10.255 (/RD), 10.260 (/MD); shoreland restoration means to revitalize or reestablish functional characteristics and processes of the shoreland diminished or lost by past alterations, activities, or catastrophic events.

Riding Academy. Any building or portion of property (1) upon which the skill and subject of horsemanship is taught for remuneration; or (2) made available for hire or remuneration for the teaching or training in the skill and subject of horsemanship. Exercise rings and show rings for riding, breaking, roping or showmanship, whether enclosed in a building or lot or parcel of land by a human-made barrier for public use and remuneration ~~shall be~~ considered an accessory use of the premises for a riding academy.

Riprap. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used.

Rural Land. Land outside urban growth boundaries that is:

- (1) Non-urban agricultural, forest or open space;
- (2) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or
- (3) In an unincorporated community.

Seasonal Farm Worker Housing. Housing limited in occupancy by seasonal farm workers and their immediate families, which is occupied no more than nine months a calendar year. "Seasonal farm worker" means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

Second-Hand Store. The collection, purchase, exchange or sale of used articles when such business is conducted entirely within an enclosed building.

Sewerage or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial wastes, garbage or other wastes.

Sign. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" ~~shall~~ **does** not include any display of official, court or public notices, nor ~~shall does~~ it include any display of official, court or public notices, nor ~~shall does~~ it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems ~~shall must~~ conform to illumination standards set forth in this chapter.

Sign Area. The entire area within a single, continuous perimeter formed by lines joined at right angles which encloses the extreme limits of such sign and which in no case passes through or between any adjacent elements of the same. However, such perimeter

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~~shall~~ **does** not include any structural elements lying outside and below the limits of such sign and not forming an integral part of the display.

Site, Residential. An area of more or less intensive development, surrounding a dwelling, not less than 60 feet wide, nor less than 6,000 square feet in area and comparable to a normal city lot. (See LC 10.300-20).

Stable, Private. An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

Stable, Public. A building in which horses are kept for remuneration, hire or sale.

Storage. To accumulate in any outside location on a lot for more than 30 days any type of junk, equipment, inoperable vehicles, vehicle parts or combination thereof, except as otherwise allowed by this chapter, for preservation, later use or disposal. Equipment and building materials located on a lot for construction purposes, and for which a valid building permit is displayed, ~~shall is~~ not ~~be~~ considered as being stored on the lot until after the structure is completed.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story ~~shall be is~~ that portion of a building included between the upper surface of the topmost floor and the ceiling above. (See "Basement.")

Streams, Class 1. Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing or migration routes. Stream flows may be either perennial or intermittent during parts of the year.

Street. A public thoroughfare, avenue, road, highway, boulevard, parkway, drive, lane, court, cul-de-sac or private easement, approved by the Planning Commission and recorded with the County Clerk, providing the roadway for ingress and egress from property abutting thereon.

Structural Alterations. See "Alter."

Structure. See "Building."

Structure or Facility That Provides Water-Dependent Access. For the purposes of LC ~~10.225 (NE-RCP)~~, 10.230 (~~CENE-RCPFCP~~), 10.235 (~~DE-RCPCE-FCP~~), ~~10.240 (SN-RCP)~~, 10.245 (~~PW-RCPFCP~~), 10.250 (~~NRC-RCPFCP~~), 10.255 (~~RD-RCPFCP~~), 10.260 (~~MDDMS-RCPFCP~~), **10.261**, ~~—10.265 (DMS-RCP)~~, and 10.270 (~~BD-RCPFCP~~); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids. For the purposes of this specific definition, "access" means physical contact with or use of the water.

Substantial Damage. Damage sustained by a structure or manufactured home whereby the cost of restoring the structure or manufactured home to its before-damaged condition would equal or exceed 50 percent of the market value of the structure or manufactured home before the damage occurred.

Sun Exposure Plane. A sun exposure plane is an imaginary, inclined plane.

Northerly Exposures: Beginning on a line parallel to a front, side or rear property line and 10 feet within the abutting property or properties northerly from the northerly line or lines of the development site to which the sun exposure plane applies, and projecting thence due south at a 30E slope over the applicable development site.

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Easterly, westerly and southerly exposures: Beginning on lines parallel to front, side or rear property lines and five feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plane applies, and projecting thence due west from the easterly line, due east from the westerly line and due north from the southerly line at a 60E slope over the applicable development site to a maximum distance of 30 feet, measured horizontally for each development site line.

Temporary Alteration. Dredging, filling, or another estuarine alteration occurring over a specified short period of time that is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) Alterations necessary for federally authorized projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance; (2) Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and (3) minor structures (such as blinds) necessary for research and educational observation.

Tidal Marsh. Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation.

Timber Growing or Forest Crops. The growing of trees for commercial purposes, tree products in the form of logs, chunks, bark or similar items; other minor forest crops, such as Christmas trees, cones, ferns, greenery, berries and moss.

Tourist Park. All campgrounds, picnic parks, camping vehicle parks and all other establishments rented or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or offered free in connection with securing the trade or patronage of such person or for indirect benefit to the owner in connection with a related business.

Upland Interdunal Plain. These are broad, flat interdune forms at elevations of 80 feet or higher above sea level. These areas exhibit a high groundwater table although areas of standing water are infrequent. The soils are Yaquina fine sand 225A, often with a shore pine and spruce forest cover.

Urban. Those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (a) have concentrations of persons who generally reside and work in the area, and (b) have supporting public facilities and services.

Urbanizable. Those lands within an urban growth boundary and which are identified and a) determined to be necessary and suitable for future urban use areas, and b) can be served by urban services and facilities, and c) are needed for the expansion of an urban area.

Use. The purpose for which land, submerged or submersible lands, the water surface or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Vehicle. Every device designed to move by any means other than human power over public roads and highways.

Visible. Capable of being seen from a height of not more than five feet above ground level with the unaided eye by a person of normal visual acuity.

Vision Clearance. A triangular area of the street or highway corner of a corner lot or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, walls, structures or

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temporary or permanent obstruction exceeding three and one-half feet in height above the curb level.

Water Dependent Use. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

(1) For the purposes of LC ~~10.225 (NE-RCP)~~, 10.230 (~~CE-RCPNE-FCP~~), 10.235 (~~DE-RCPCE-FCP~~), ~~10.240 (SN-RCP)~~, 10.245 (/PW-RCPFCP), 10.250 (/NRC-RCPFCP), 10.255 (/RD-RCPFCP), 10.260 (~~MD-RCPDMS-FCP~~), **10.261-10.265** (~~DMS-RCP~~), and 10.270 (/BD-RCPFCP); the following definitions apply:

(a) "Access" means physical contact with or use of the water;
(b) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);
(c) "Recreation" means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

(d) "Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;

(e) "Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(f) "Water-borne transportation" means use 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, terminal and transfer facilities);

(2) Typical examples of "water dependent uses" include the following:

(a) Aquaculture.
(b) Certain scientific and educational activities which, by their nature, require access to coastal waters – estuarine research activities and equipment mooring and support.

(c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(d) For the purposes of LC ~~10.225 (NE-RCP)~~, 10.230 (~~CE-RCPNE-FCP~~), 10.235 (~~DE-RCPCE-FCP~~), ~~10.240 (SN-RCP)~~, 10.245 (/PW-RCPFCP), 10.250 (/NRC-RCPFCP), 10.255 (/RD-RCPFCP), 10.260 (~~MD-RCPDMS-FCP~~), **10.261-10.265** (~~DMS-RCP~~), and 10.270 (/BD-RCPFCP); examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.

(e) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.

(f) Recreational. Recreational marinas, boat ramps and support.

Water Oriented Use. A use whose attraction to the public is enhanced by a view of or access to coastal waters.

Water Related Use. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water dependent land or waterway use, and which, if not located adjacent to water, would result

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in public loss of quality in the goods or services offered. Except as necessary for water dependent or water related uses or facilities, residences, parking lots, spoil or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

Water System. A source of water and any associated distribution system for water.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Winery. A facility which produces wine and which (1) produces less than 50,000 gallons per year; and owns an onsite vineyard of at least 15 acres or a contiguous vineyard of at least 15 acres and owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 15 acres, or obtains grapes from any combination of these three sources; or (2) produces more than 50,000 gallons but less than 100,000 gallons per year; and owns an onsite vineyard of at least 40 acres or a contiguous vineyard of at least 40 acres, and owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 40 acres, or obtains grapes from any combination of these three sources.

A winery as defined here ~~shall allow~~ **permitted** only for the sale of wines produced in conjunction with the winery, and items directly related to wine, the sales of which are incidental to retail sale of wine onsite and which may include those served by a limited service restaurant as defined in ORS 624.010.

Wrecking Yard. Lots used in whole or in part for storing vehicles for the purpose of substantially altering the form, wrecking, dismantling, assembling or disassembling and offering for sale or trade the altered vehicle or components thereof.

Yard. An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided therein. Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.

Yard, Rear. An open, unoccupied space on the same lot with a building, between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 24-72, 2.20.73; 3-73, 5.11.73; 1-74, 3.6.74; 2-74, 4.19.74; 14-74, 12.27.74; 11-75, 9.5.75; 9-79, 2.8.80; 2-80, 6.13.80; 11-80, 7.24.80; 19-80, 8.20.80; 1-82 As Amended, 4.16.82; 10-82, 7.9.82; 3-91, 5.17.91; 12-97, 11.20.97; 10-07, 10.19.07)*

10.020-15 Coastal Definitions. In addition to the definitions provided in LC 10.020-10 above, the definitions below must be used in the application of LC 10.225-10.270. In instances where there is a discrepancy between definitions provided in LC 10.020-10 and the definitions provided in LC 10.020-15, the definitions of LC 10.020-15 supersede for LC 10.225-10.270.

Alter the Estuary. Actions which would potentially alter the estuarine ecosystem include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources.

Buffer Zone. A physical setback from a sensitive area used to protect the water quality, the aquatic and riparian wildlife communities, and the habitat value

within the sensitive area. The start of the buffer starts at the edge of the defined channel (bank full stage) for streams/streams, delineated wetland boundary, delineated spring boundary, or average high water for lakes.

Conserve. To manage in a manner which avoids wasteful or destructive uses and provides for future availability.

Dock. A deck, whether floating or on pilings, that serves as a landing place, recreational facility, etc.

Dolphin. A cluster of piles.

Drainage Way. The bed and banks of a waterway used to discharge surface waters from a given area. It also includes adjacent areas necessary to preserve and maintain the drainage channel.

Ecosystem. The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are inter-related.

Encourage. Stimulate; give help to; foster.

Estuarine Impact Assessment. An evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. The Estuarine Impact Assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, in place of a Resource Capabilities Assessment, when an Environmental Impact statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.

Floodplain. The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.

Flood, Regional (100-Year). A standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than-normal rainfall or stream flows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.

Geologic. Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.

Groundwater. Water in the zone of saturation beneath the surface of the earth.

Headlands. Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. Oregon headlands are generally identified in the report on Visual Resource Analysis of the Oregon Coastal Zone, Oregon Coastal Conservation and Development Commission, 1974.

Hydrologic. Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.

Impact. The consequences of a course of action; effect of a goal, guideline, plan or decision.

Insure. Guarantee; make sure or certain something will happen.

Integrity. The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.

Management Unit. A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.

Natural Resources. Air, land and water and the elements thereof which are valued for their existing and potential usefulness to humans.

Pier. A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection.

Pile. A long, heavy timber or section of concrete or metal to be driven or jetted into the earth or seabed to serve as a support or protection.

Piling. A group of piles.

Pollution. The introduction of contaminants into an environment that causes instability, disorder, harm or discomfort to the ecosystem, i.e., physical systems or living organisms.

Preserve. To save from change or loss and reserve for a special purpose.

Protect. Save or shield from loss, destruction, or injury or for future intended use.

Provide. Prepare, plan for, and supply what is needed.

Quality. The degree of excellence or relative goodness.

Resource Capabilities Assessment. An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. The assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, except where an Estuarine Impact Assessment is required instead. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

Riparian. Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

Riprap. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.

Salt Marsh. A tidal wetland supporting salt-tolerant vegetation.

Sediment. Any particulate matter that can be transported by fluid flow and which eventually is deposited. Sediments are most often transported by water (fluvial processes), transported by wind (aeolian processes), and glaciers. Beach sands and river channel deposits are examples of fluvial transport and deposition, though sediment also often settles out of slow-moving or standing water in lakes and oceans. Sand dunes are examples of aeolian transport and deposition.

Sedimentation. The process of forming sediment in liquid: the process by which particles in suspension in a liquid form sediment.

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Shoal. A sandbank or reef creating shallow water, especially where it forms a hazard to shipping A shoal or sandbar (also called sandbank) is a somewhat linear landform within or extending into a body of water, typically composed of sand, silt, or small pebbles. A bar is characteristically long and narrow (linear) and develops where a stream or ocean current promotes deposition of granular material, resulting in localized shallowing (shoaling) of the water.

Shoaling. A decrease in water depth, especially near a shoreline.

Shoreline. The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.

Structure. See “Building.” The definition also means anything constructed, installed, or portable, the use of which requires a location on the ground, either above or below water.

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- (d) Time interval of delay in milliseconds.
- (e) Number of different delays.
- (f) Number of holes per delay.
- (g) Nominal explosive weight per hole.
- (h) Total explosive weight per delay.
- (i) Total weight of explosives per blast.
- (j) Blast hole diameter, depth, spacing and stemming height. *(Revised by*

Ordinance No. 26-78, Effective 3.16.79)

10.220-75 Severability.

The provisions of this section are severable. If any subsection, sentence, clause or phrase of this section is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this section. *(Revised by Ordinance No. 26-78, Effective 3.16.79; 7-79; 7.11.79)*

ESTUARY DISTRICT ADMINISTRATION (FCP)

10.225-05 Applicability.

(1) **The following two Estuary Zones apply to the Siuslaw River Estuary within the Florence Urban Growth Boundary outside of the city limits: Natural Estuary (NE-FCP) and Conservation Estuary (CE-FCP). These zoning districts implement the requirements of Statewide Planning Goal 16 and policies in the Florence Comprehensive Plan and corresponding “management units.”**

(2) **Estuary Zoning Districts are applied to portions of the estuary within the Florence Urban Growth Boundary as classified on the Lane County Zoning Map.**

10.225-10 Resource Capability Assessment.

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

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

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

(b) **In the Conservation Estuary Zone, a use or activity is consistent with the resource capabilities when it is able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable**

resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

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

(a) The type and extent of alterations expected.

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

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

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

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

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

(a) The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or

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

(c) In the Natural Estuary Zone, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a

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manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education; or

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

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

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

Indians.

10.225-15 Estuarine Impact Assessment.

(1) Purpose: The purpose of this subsection is to provide a procedure for evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. Activities which require an Estuarine Impact Assessment do not also require a Resource Capability Assessment. Uses which are permitted outright do not require an Estuarine Impact Assessment. Uses in Estuary Zones requiring a Special Use Permit or a Conditional Use Permit will require an Estuarine Impact Assessment only when an Environmental Impact Statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.

(2) Information to be presented in the Estuarine Impact Assessment: Information contained in an Estuarine Impact Assessment must be used in the evaluation of a use or activity during a Special Use Permit or Conditional Use Permit procedure. As part of the permit review, information developed by resource agencies may be requested and used in the determination. Any possibilities of reducing duplication of effort by the County and other agencies will be utilized so long as necessary information is adequately analyzed. Information contained in the Estuarine Impact Assessment may be drawn from available data and analysis contained in the Lane County Coastal Resources Inventory, environmental impact statements and assessments for projects in the Siuslaw River estuary, other published studies pertaining to the Siuslaw River estuary or more current information provided by applicant.

The Estuarine Impact Assessment must apply available information to the following general areas of analysis: the type and extent of alterations expected; the type of resources affected; the expected extent of the impact of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary; and the methods which could be employed to avoid or minimize

adverse impacts, and as specifically detailed below. The Planning Director may waive inapplicable items for any particular use or project.

(a) Aquatic life forms and habitat, including information on: habitat type and use (e.g., rearing, spawning, feeding/resting, migration), species present, seasonal abundance, sediment type and characteristics and vegetation present. The type of alteration, including information detailing the extent of alteration (e.g., area measurement, depths to which alteration will extend, volumes of materials removed and/or placed as fill), impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.

(b) Shoreland life forms and habitat, including information on: habitat type and use (e.g., feeding, resting or watering areas, flyways), species present, seasonal abundance, soil types and characteristics, and vegetation present. Impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.

(c) Water quality, including information on: increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.

(d) Hydraulic characteristics, including information on: changes in water circulation patterns, shoaling patterns, potential of erosion or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction, diversion or impoundment of water resources.

(e) Air quality, including information on: quantities of emissions of particulates, expected inorganic and organic airborne pollutants.

(f) Impact of the proposed project on navigation and public access to the shoreline and aquatic areas.

(g) Demonstration of public need to warrant such a modification to the estuary.

(h) Demonstration that non-water-dependent uses will not preempt existing or future water-dependent use of the area.

(i) Determination of the potential cumulative impact of the proposed development, including alteration of adjacent significant fish and wildlife habitat and essential properties of the estuary.

(j) Presentation of upland alternatives and methods to minimize preventable adverse impacts.

(k) Determination of need for mitigation.

(3) Estuarine Impact Assessment Findings: Unless fully addressed during the development and adoption of the Florence Comprehensive Plan, actions which would potentially alter the estuarine ecosystem must be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or

biological resources. Based on the analysis of resources and impacts, one of the following findings must be made in approving the use permit, otherwise the permit must be denied:

(a) The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or

(b) The use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or

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

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

(4) Notification of Agencies: Any application that is subject to the provisions of this section must, at a minimum, be referred to the following:

(a) U.S. Fish and Wildlife Service

(b) U.S. Environmental Protection Agency

(c) U.S. Army Corps of Engineers

(d) National Marine Fisheries

(e) Oregon Dept. of Fish and Wildlife

(f) Oregon Dept. of Land Conservation and Development

(g) Oregon Department of State Lands

(h) Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw

Indians.

10.225-20 Consultant's Reports.

Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein; the applicant may be required to submit a supplementary report containing findings prepared by an environmental scientist, hydrologist, engineer, geologist, biologist, or other qualified consultant.

10.225-25 Uses Subject to State and Federal Permits.

(1) When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(2) Applicants shall provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

(3) Any authorization for a use allowed within this District must also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

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10.225-30 Emergencies.

Estuarine alterations performed under emergency conditions for which the Department of State Lands or other agency with such authority has issued an emergency permit, does not violate this Chapter. The party performing work must submit a copy of written confirmation of such an emergency permit to the County.

NATURAL ESTUARY ~~DISTRICT ZONE~~ (NE-FCP)

10.225230-05 Purpose.

The purpose of the Natural Estuary ~~District Zone~~ (NE-FCP) is to assure the protection of significant fish and wildlife habitats and the continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives. **The boundaries of the NE-FCP zone are determined by the natural estuarine features. The NE-FCP Zone includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. These are as identified on the official Lane County Coastal Zoning Maps.** (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

10.225230-10 Permitted Uses.

The following uses and no others are permitted outright, provided that no such use involves dredge or fill:~~In the NE District, the following types of uses are permitted as hereinafter specifically provided for by this section subject to the general provisions and exceptions set forth in this chapter.~~

(1) **Undeveloped Low-low-intensity water-dependent recreation**~~which is water dependent.~~

(2) **Research and Educational and scientific observations.**

(3) Navigational aids, **such as beacons and buoys.**

(4) ~~Passive estuarine restoration.~~

~~(5) Protection of habitat, nutrient, fish, wildlife and aesthetic resources.~~

(5) **Passive restoration measures.**

(6) ~~Low intensity grazing provided the area is a high salt marsh.~~

~~(7) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.~~

~~(8) Maintenance of Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities.~~
The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits; and such maintenance must not increase the size, extent, or scope of the riprap or otherwise alter the estuary. ; and

(97) Bridge crossings.

~~(10) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals, provided no filling or dredging is required.~~

~~(11) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and~~

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~~major regional pipelines and terminals, provided no filling or dredging is required. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 7-91, 6.5.91; 10-04, 6.4.04)~~

10.225230-15 Special Uses Approved by ~~the Hearings Official~~ Planning Director.

The following specified uses and no others **are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in,** ~~subject to approval by the Hearings Official pursuant to LC 14.300150,~~ upon **affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 230-25, and the purpose of the NE-FCP Zone; and upon** satisfaction of the applicable criteria **in LC 10.230-30.** A ~~Resource~~ **Capability Assessment** ~~determination~~ is required as set forth in LC ~~10.275-225-10~~ except for major projects requiring an **Estuarine Impact** ~~Assessment~~ as set forth in LC ~~10.280225-15~~.

(1) **Bridge crossing support structures and dredging necessary for their installation; and dredging necessary for on-site maintenance of existing functional tidesgates and associated drainage channels.**

(2) **Expansion of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits.**

10.230-20 Conditional Uses.

The ~~Hearings Official,~~ **subject to the procedures and conditions set forth in LC 14.300,** may grant a **Conditional Use Permit** for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.230-25, and the purpose of the NE-FCP Zone, and upon satisfaction of the all of the applicable criteria in LC 10.230-30 and below. A **Resource Capability Assessment** is required as set forth in LC 10.225-10, except for major projects requiring an **Estuarine Impact Assessment** as set forth in LC 10.225-15.

~~(a) Uses:~~

~~_____ (i) Communication facilities.~~

~~_____ (ii) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.~~

~~_____ (b) Criteria:~~

~~_____ (i) No fill or dredging is required.~~

~~_____ (ii) The use will have minimal impact on natural resources in the area affected by the proposed use. These natural resources are as identified in the Lane County Comprehensive Plan.~~

~~_____ (iii) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.~~

~~_____ (iv) Any restoration action related to the distribution and attributes (e.g., long term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.~~

~~_____ (2) (a) Uses:~~

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~~(i)~~ Aquaculture which does not involve **dredge or fill or other** estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

(2) Communication facilities.

(3) Active restoration of fish and wildlife habitat or water quality and estuarine management.

~~(b) Criteria.~~

~~(i) No dredge or fill is required.~~

~~(ii) The use is consistent with the Lane County Comprehensive Plan.~~

~~(3) (a) Uses.~~

~~(i4)~~ Boat ramps for public use where no dredging or fill for navigational access is needed.

~~(ii5)~~ Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.

~~(iii) Installation of tidegates in existing functional dikes.~~

~~(iv) Bridge crossing support structures and dredging necessary for their installation.~~

~~(b) Criteria.~~

~~(i) The use is consistent with the resource capabilities of the area in that either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.~~

~~(ii) Substantial public benefit is demonstrated.~~

~~(4) (a) Uses.~~ **(6) Temporary alterations, subject to the requirements in the introduction to Conditional Uses and the following additional criteria: the alteration must support a use expressly allowed in this Management Unit in the Florence Comprehensive Plan; it must be for a specified short period of time, not to exceed three years, and -**

~~(b) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:~~

~~(i) That the short term damage to resource is consistent with resource capabilities of the area; and~~

~~(ii) That the area and affected resources can be restored to their original condition.~~

(7) Short-term fills for temporary alterations provided the estuarine areas impacted must be restored following removal of the fill. All other fills, regardless of volume, are prohibited in this Management Unit.

(8) Installation of new riprap for protection of uses existing as of October 7, 1977, unique natural resource, historical and archaeological values; and public facilities.

~~(iii) The proposed alteration is otherwise in compliance with and in support of uses allowed by the NE District. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4-8-81; 6-83, 4.15.83; 16-83; 9.14.83; 7-91, 6.5.91)~~

10.230-25 Consistency with Resource Capabilities.

A use or activity is consistent with the resource capabilities of the Natural Estuary Zone when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

10.230-30 Alterations to Estuary.

Dredging and fill and other activities which could potentially alter the estuary are prohibited in this Zone except as expressly permitted through a Special Use Permit or Conditional Use Permit in LC 10.230-15 or -20. When allowed in LC 10.230-15 or -20, these uses or activities must meet all of the following criteria:

- (1) No feasible alternative upland locations exist;**
- (2) The activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in LC 10.230-10, -15 and -20;**
- (3) Land use management practices and non-structural solutions to problems of erosion and flooding are preferred to structural solutions. Where shown to be necessary and as allowed in LC 10.230-15 or -20, dredging and fill (whether located in the waterways or on shorelands above ordinary high water mark) must be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.**
- (4) Dredge or fill activities, found to be subject to state mitigation requirements, must be mitigated, if found to be subject to the mitigation requirement in state law, by creation, restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary such as its natural biological productivity, habitats and species diversity, unique features and water quality; and**
- (5) All federal and state requirements, including mitigation requirements, are met as a condition of approval.**

~~10.225-20 Nonconforming Use Exceptions.~~

~~(1) Docks and Piers. Actively utilized piers, docks and other structures occupying the water surface by means other than fill existing as of July 1, 1980 may be rebuilt within two years but not expanded if damaged or destroyed notwithstanding the provisions of LC 10.305 regarding nonconforming uses.~~

~~(2) Log Storage. Notwithstanding the provisions of LC 10.305 regarding nonconforming uses, log storage sites in the NE District under lease from the Division of State Lands shall be allowed to continue and be renewed. Leases for storage sites in new areas are prohibited. (Revised by Ordinance No. 12-80, Effective 7.24.80)~~

~~10.225-25 Applicable Natural Features.~~

~~The boundaries of the NE District are determined by the natural estuarine features. The NE District includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. The entire estuarine areas of the Siltecoos River and Berry, Sutton, Big and Tenmile Creeks are~~

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~~within the NE District. These are as defined on the Lane County zoning maps as specified by LC 10.315-90. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.225-30 Uses Subject to State and Federal Permits.**~~

~~———— (1) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.~~

~~———— (2) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.~~

~~———— (3) Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization. (Revised by Ordinance No. 12-80, Effective 7.24.80)~~

~~**10.225-35 Additional Criteria Required for Projects Involving Dredge or Fill.**~~

~~Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:~~

~~———— (1) The use is required for navigation or is otherwise water dependent, and requires an estuarine location, or is specifically allowed by the NE District; and~~

~~———— (2) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and~~

~~———— (3) No feasible alternative upland locations exist; and~~

~~———— (4) Adverse impacts on identified estuarine values are minimized.~~

~~———— (5) Mitigation requirements of ORS 541.605 to 541.695 are met.~~

~~———— Other uses and activities which could alter the estuary shall only be allowed if the requirements in LC 10.225-35(2), (3) and (4) above are met. (Revised by Ordinance No. 7-91, Effective 6.5.91)~~

~~**10.225-95 Telecommunication Towers.**~~

~~Notwithstanding LC 10.225-05 through 35 above, telecommunication facilities are allowed subject to compliance with the requirements of LC 10.400, LC 10.225 and with applicable requirements elsewhere in LC Chapter 10 including but not necessarily limited to: the Floodplain Combining Zone (LC 10.271); Greenway Development Permit (LC 10.322); the Coastal Resource Management Combining Zones (LC 10.240, 10.245, 10.250, 10.255, 10.260, 10.265, and 10.270); and Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state. (Revised by Ordinance No. 4-02, Effective 4.10.02)~~

CONSERVATION ESTUARY ~~DISTRICT-ZONE~~ (CE-FCP)

10.2305-05 Purpose.

The purpose of the Conservation Estuary ~~District-Zone~~ (CE-FCP) is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine

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resources as well as maintenance and restoration of biological productivity are primary objectives in this District. **The boundaries of the CE-FCP Zone are defined by natural features. The CE-FCP Zone includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; and those not included in the Natural Estuary Zone (NE-FCP). This Zone also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as identified on the official Lane County Coastal Zoning Maps.** *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.230235-10 Permitted Uses.

The following uses and no others are permitted outright, provided that no such use involves dredge or fill:

(1) **All uses permitted outright in the Natural Estuary Zone, LC 10.230-10.**

(2) **Maintenance of existing riprap which is currently serviceable and was previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance must not increase the size, extent, or scope of the riprap, or otherwise alter the estuary.**

(3) **Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing structure, or otherwise alter the estuary.**

~~In the CE District, the following types of uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter.~~

- ~~(1) Low intensity undeveloped recreation which is water dependent.~~
- ~~(2) Scientific and educational observation.~~
- ~~(3) Navigational aids, such as beacons and buoys.~~
- ~~(4) Passive estuarine restoration measures.~~
- ~~(5) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.~~
- ~~(6) Natural resource preservation including protection of habitat, nutrient, fish, wildlife and aesthetic resources.~~
- ~~(7) Rip rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities.~~
- ~~(8) Bridge crossings.~~
- ~~(9) Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.~~
- ~~(10) Communication facilities.~~
- ~~(11) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.~~
- ~~(12) Boat ramps for public use where no dredging or fill for navigational access is needed.~~
- ~~(13) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.~~
- ~~(14) Installation of tidegates in existing functional dikes.~~

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~~(15) Bridge crossing support structures and dredging necessary for their installation.~~

~~(16) Noncommercial clamming and fishing.~~

~~(17) Low intensity grazing provided the area is a high salt marsh and has been so used within the 10 years prior to July 24, 1980.~~

~~(18) Log storage, provided the storage occurs at sites under lease from Division of State Lands on July 24, 1980 and provided all State and Federal agency requirements are met.~~

~~(19) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals, provided no filling or dredging is required.~~

~~(20) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals, provided no filling or dredging is required.~~
(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91; 10-04, 6.4.04)

10.230235-15 Special Uses Approved by the Planning Director.

The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in LC 14.150 upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.235-25, and the purpose of the CE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.235-30. subject to approval by the Director pursuant to 14.300. A Resource Capability Assessment determination is required as set forth in LC 10.275-225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.280225-15.

(1) All uses permitted through a Special Use Permit in the Natural Estuary Zone in LC 10.230-15.

(2) Expansion of existing riprap, provided the riprap is necessary to protect an existing use or a use that is permitted outright or with Special Use Permit approval. The existing riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits.

(a) Uses.

~~(i) Private single family, single purpose piers or docks.~~

~~(b) Criteria and Conditions.~~

~~(i) The use will have minimal adverse impact on natural resources in the area affected by the proposed use. The resources are as identified in the Lane County Comprehensive Plan.~~

~~(ii) The use is compatible with requirements of adjacent shorelands Comprehensive Plan designation.~~

~~(iii) The applicant attests in writing on a form provided by the Planning Director that no alternatives to the proposed structure are feasible.~~

~~(iv) The size and design of the structure is limited to that required for the intended use.~~ *(Revised by Ordinance No. 12-80, Effective 7.24.80; 6-83, 4.15.83; 16-83, 9.14.83)*

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10.235-20 Conditional Uses.

The Hearings Official, subject to the procedures and conditions set forth in LC14.300, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in 10.235-25, and the purpose of the CE-FCP Zone, and upon satisfaction of all of the applicable criteria in LC 10.235-30 and -35. A Resource Capability Assessment is required as set forth in 10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in 10.225-15.

- (1) All Conditional Uses in the Natural Estuary Zone in LC 10-230-20.
- (2) Water-dependent uses requiring occupation of water surface area by means other than dredge or fill (e.g., on pilings or floating), including mooring buoys which are permanently anchored to estuary floor, dolphins, docks and piers, and other such uses.
- (3) High-intensity water-dependent recreation, including public beaches, boat ramps, marinas and new dredging for boat ramps and marinas.
- (4) Minor navigational improvements.
- (5) Aquaculture requiring dredge or fill or other alteration of the estuary.
- (6) Active restoration for purposes other than those listed above.
- (7) Installation of new riprap, provided the riprap is necessary to protect an existing use or a use that is permitted outright or with Special Use Permit or Conditional Use Permit approval.

10.235-25 Consistency with Resource Capabilities.

A use or activity is consistent with the resource capabilities of the Conservation Estuary Zone when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

10.235-30 Alterations to Estuary.

Dredging and fill and other activities which could potentially alter the estuary are prohibited in this Zone except as expressly permitted through a Special Use Permit or Conditional Use Permit in LC 10.235-15 or -20. When allowed in LC 10-235.15 or -20, these uses or activities must meet all of the following criteria:

- (1) No feasible alternative upland locations exist;
- (2) The activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in LC 10.235-10, -15, and -20;
- (3) Land use management practices and non-structural solutions to problems of erosion and flooding are preferred to structural solutions. Where shown to be necessary and as allowed in LC 10.235-15 or -20, dredge and fill, whether located in the waterways or on shorelands above ordinary high water mark, must be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
- (4) Dredge or fill activities must be mitigated, if found to be subject to the mitigation requirement in state law, by creation, restoration or enhancement of an

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estuarine area to maintain the functional characteristics and processes of the estuary such as its natural biological productivity, habitats and species diversity, unique features and water quality; and

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

10.235-35 Public and private piers and docks.

Public and private piers and docks must meet the following additional criteria:

- (1) The size and shape is limited to that required for the intended use.**
- (2) The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.**
- (3) For private, individual, single-purpose docks and piers, the applicant must attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.**

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~~10.230-20 Special Uses Approved by the Hearings Official.~~

~~The following specified uses and no others subject to approval by the Hearings Official pursuant to LC 14.300, upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in LC 10.275 except for major projects requiring an impact assessment as set forth in LC 10.280.~~

~~(1) (a) Uses.~~

~~(i) New or expanded log storage sites not otherwise provided for in LC 10.230-10(18) above.~~

~~(b) Criteria and Conditions.~~

~~(i) Water storage is integral to continued operation of the associated wood processing facility.~~

~~(ii) There are no feasible upland alternatives.~~

~~(iii) The log storage operation meets Department of Environmental Quality Standards for log storage.~~

~~(iv) The use is not proposed at sites which have long-established use for public recreation such as a boat launching site or a marina site.~~

~~(v) Public need is demonstrated.~~

~~(2) (a) Uses.~~

~~(i) Public docks and piers.~~

~~(ii) Private multifamily docks and piers.~~

~~(iii) Mooring buoys which are permanently anchored to estuary floor.~~

~~(iv) Dolphins.~~

~~(b) Criteria and Conditions.~~

~~(i) The use will have minimal impact on natural and recreational resources in the area affected by the proposed use. The resources are as identified in the Lane County Comprehensive Plan.~~

~~(3) (a) Uses.~~

~~(i) Boat launching ramps.~~

~~(ii) Public beaches requiring estuarine modification.~~

~~(iii) Minor dredging to improve navigability.~~

~~(b) Criteria and Conditions.~~

~~(i) An estuarine location is required.~~

~~(ii) No alternative locations exist which are designated as Development in the Lane County Comprehensive Plan.~~

~~(iii) Adverse impacts on resources are minimized. These resources are as identified in the Lane County Comprehensive Plan.~~

~~(iv) No alternative shoreland locations exist for the portions of the use requiring fill.~~

~~(v) Public need is demonstrated.~~

~~(4) (a) Uses.~~

~~(i) Erosion control structure, including, but not necessarily limited to, seawalls, bulkheads, groins and jetties.~~

~~(b) Criteria.~~

~~(i) The criteria and conditions specified under Special Uses, LC 10.230-20(3)(b)(i)-(v) above, are met.~~

~~(ii) The use being protected is water dependent.~~

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~~(iii) Adverse impacts on water currents, erosion and accretion patterns are minimized as much as feasible.~~

~~(iv) Nonstructural solutions are inadequate to protect the use.~~

~~(5) (a) Uses.~~

~~(i) Active estuarine restoration involving dredge or fill.~~

~~(b) Criteria.~~

~~(i) Public need is demonstrated.~~

~~(ii) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.~~

~~(iii) Any restoration action related to the distribution and abundance of relevant amenities and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.~~

~~(6) (a) Uses.~~

~~(i) Riprap and associated minor fills to protect preexisting structures or specified values.~~

~~(b) Criteria.~~

~~(i) The use is required to protect man-made structures existing prior to October 7, 1977 or critical wildlife habitat in adjacent shorelands as identified in the Lane County Comprehensive Plan.~~

~~(ii) Natural bank stabilization measures are inadequate.~~

~~(7) (a) Uses.~~

~~(i) High intensity water dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas.~~

~~(ii) Aquaculture requiring dredge and/or fill or other alteration of the estuary.~~

~~(iii) Minor navigational improvements.~~

~~(iv) Mining and mineral extraction, including dredging necessary for mineral extraction.~~

~~(v) Other water dependent uses requiring occupation of water surface area by means other than dredge or fill.~~

~~(b) Criteria and Conditions.~~

~~(i) The criteria and conditions listed under Special Uses, LC 10.230-20(3)(b)(i)-(iv) above are met.~~

~~(ii) The use is consistent with the resource capabilities of the area as measured by the following definition: a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or it is documented that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biological productivity, recreational and aesthetic values and aquaculture.~~

~~(iii) Associated land uses, if any, on adjacent shorelands comply with applicable Lane County land use and zoning regulations.~~

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~~(8) (a) Uses. Temporary alterations.~~
~~(b) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:~~
~~(i) That the short-term damage to resource is consistent with resource capabilities of the area; and~~
~~(ii) That the area and affected resources can be restored to their original condition.~~
~~(iii) The proposed alteration is otherwise in compliance with and in support of uses allowed by the CE District. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 13-82, 7.9.82; 6-83, 4.15.83; 16-83, 9.14.83; 7-91, 6.5.91)~~

10.230-25 Applicable Natural Features.

~~The boundaries of the CE District are defined by natural features. The CE District includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; those not included in the Natural Estuary District (NE). This District also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as defined on the Lane County zoning maps as specified by LC 10.315-90. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

10.230-30 Uses Subject to State and Federal Permits.

~~(1) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.~~
~~(2) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.~~
~~(3) Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

10.230-35 Additional Criteria Required for Projects Involving Dredge or Fill.

~~Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:~~
~~(1) The use is required for navigation or is otherwise water dependent, and requires an estuarine location, or is specifically allowed by the CE District; and~~
~~(2) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and~~
~~(3) No feasible alternative upland locations exist; and~~
~~(4) Adverse impacts on identified estuarine values are minimized.~~
~~(5) Mitigation requirements of ORS 541.605 to 541.695 are met.~~
~~Other uses and activities which could alter the estuary shall only be allowed if the requirements in LC 10.230-35(2), (3) and (4) above are met. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83; 7-91, 6.5.91)~~

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~~**10.230-95 Telecommunication Towers.**~~

~~Notwithstanding LC 10.230-05 through 35 above, telecommunication facilities are allowed subject to compliance with the requirements of LC 10.400, LC 10.230 and with applicable requirements elsewhere in LC Chapter 10 including but not necessarily limited to: the Floodplain Combining Zone (LC 10.271); Greenway Development Permit (LC 10.322); the Coastal Resource Management Combining Zones (LC 10.240, 10.245, 10.250, 10.255, 10.260, 10.265, and 10.270); and Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state. (Revised by Ordinance No. 4-02, Effective 4.10.02)~~

~~**DEVELOPMENT ESTUARY DISTRICT (DE)**~~

~~**10.235-05 Purpose.**~~

~~The primary purpose of the Development Estuary District (DE) is to provide for navigational needs and public, commercial and industrial water dependent uses which require an estuarine location. Uses which are water related or non-water dependent, non-related which do not damage the overall integrity of estuarine resources and values should be considered, provided they do not conflict with the primary purpose of the District. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.235-10 Permitted Uses.**~~

~~In the DE District, the following types of uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter, provided that no such use may be permitted which involves dredging or filling of the estuary:~~

~~_____ (1) The following waterborne transportation and associated water dependent activities and uses:~~

- ~~_____ (a) Navigational aides.~~
- ~~_____ (b) Maintenance dredging of navigation channel.~~

~~_____ (2) The following commercial activities and uses which are water dependent:~~

- ~~_____ (a) Marine fueling facilities.~~
- ~~_____ (b) Marinas.~~
- ~~_____ (c) Loading and unloading facilities such as piers or docks.~~

~~_____ (3) The following industrial activities and uses which are water dependent:~~

- ~~_____ (a) Marine construction and repair facilities.~~
- ~~_____ (b) Log storage.~~

~~_____ (4) The following public facilities which are waterdependent:~~

- ~~_____ (a) Marinas.~~
- ~~_____ (b) Docks and piers and other moorages.~~
- ~~_____ (c) Boat launching ramps.~~

~~_____ (5) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals, provided no filling or dredging is required.~~

~~_____ (6) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and~~

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~~major regional pipelines and terminals, provided no filling or dredging is required.
(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 10-01, 6.4.01)~~

~~**10.235-15 Special Uses Approved by the Planning Director.**~~

~~The following specified uses and no others subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in LC 10.275 except for major projects requiring an impact assessment as set forth in LC 10.280.~~

~~_____ (1) (a) Uses.~~

~~_____ (i) Any water dependent use not specifically authorized in LC 10.235-10 above, provided that no such use may be permitted which involves dredging or filling of the estuary.~~

~~_____ (b) Criteria.~~

~~_____ (i) The use is water dependent.~~

~~_____ (2) (a) Uses. Flow lane disposal of dredged Material.~~

~~_____ (b) Criteria. Such action shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83; 16-83, 9.14.83; 7-91, 6.5.91)~~

~~**10.235-20 Special Uses Approved by the Hearings Official.**~~

~~The following specified uses and no others subject to approval by the Hearings Official pursuant to LC 14.300, upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in LC 10.275 except for major projects requiring an impact assessment as set forth in LC 10.280.~~

~~_____ (1) (a) Uses.~~

~~_____ (i) Flood and erosion control structures, including, but not necessarily limited to jetties, seawalls, groins and bulkheads.~~

~~_____ (b) Criteria and Conditions.~~

~~_____ (i) The criteria specified in LC 10.235-25 below, are met.~~

~~_____ (ii) The structures are designed and sited to minimize erosion and man-induced sedimentation in adjacent areas.~~

~~_____ (iii) The structures are designed and sited to minimize adverse impacts on water currents, water quality and fish and wildlife habitat.~~

~~_____ (iv) The use or uses to be protected by the proposed structures are water dependent.~~

~~_____ (2) (a) Uses.~~

~~_____ (i) Riprap and associated minor fills to protect man-made structures existing prior to October 7, 1977.~~

~~_____ (b) Criteria and Conditions.~~

~~_____ (i) Natural bank stabilization measures are inadequate.~~

~~_____ (3) (a) Uses.~~

~~_____ (i) All other uses provided no dredging or filling is required.~~

~~_____ (b) Criteria.~~

~~_____ (i) A public need is demonstrated.~~

~~_____ (ii) The use will not irrevocably limit future use of the area for water dependent commercial or industrial facilities.~~

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~~_____ (iii) The use will have minimal impact on resources, as identified in the Lane County Comprehensive Plan, in the area affected by the proposed use.~~

~~_____ (b) Criteria~~

~~_____ (i) The criteria specified in LC 10.235-25 below.~~

~~_____ (6) (a) Uses. Temporary alterations.~~

~~_____ (b) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:~~

~~_____ (i) That the short term damage to resource is consistent with resource capabilities of the area; and~~

~~_____ (ii) That the area and affected resources can be restored to their original condition.~~

~~_____ (iii) The proposed alteration is otherwise in compliance with and in support of uses allowed by the DE District. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82, 6-83, 4.15.83; 16-83, 9.14.83; 7-91, 6.5.91)~~

10.235-25 Additional Criteria Required for Projects Involving Dredge or Fill.

Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

~~_____ (1) The use is required for navigation or is otherwise water dependent, and requires an estuarine location, or is specifically allowed by the DE District; and~~

~~_____ (2) A need (i.e., a substantial public benefit) is demonstrated and the use of alteration does not unreasonably interfere with public trust rights; and~~

~~_____ (3) No feasible alternative upland locations exist.~~

~~_____ (4) Adverse impacts on identified estuarine values are minimized.~~

~~_____ (5) Mitigation requirements of ORS 541.605 to 541.695 are met.~~

~~_____ Other uses and activities which could alter the estuary shall only be allowed if the requirements in LC 10.235-25(2), (3) and (4) above are met. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 7-91, 6.5.91)~~

10.235-30 Applicable Physical, Geographical or Natural Features.

The DE District is designed to apply to navigation channels, subtidal areas for in-water disposal of dredged material, major navigational appurtenances, deep water areas adjacent to the shoreline and areas of minimal biological significance needed for uses requiring alteration of the estuary. These are as defined on the Lane County zoning maps as specified by LC 10.315-90. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

10.235-35 Uses Subject to State and Federal Permits.

~~_____ (1) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.~~

~~_____ (2) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.~~

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~~(3) Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.235-95 Telecommunication Towers.~~

~~Notwithstanding LC 10.235-05 through 35 above, telecommunication facilities are allowed subject to compliance with the requirements of LC 10.400, LC 10.235 and with applicable requirements elsewhere in LC Chapter 10 including but not necessarily limited to: the Floodplain Combining Zone (LC 10.271); Greenway Development Permit (LC 10.322); the Coastal Resource Management Combining Zones (LC 10.240, 10.245, 10.250, 10.255, 10.260, 10.265, and 10.270); and Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state. (Revised by Ordinance No. 4-02, Effective 4.10.02)~~

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**~~SIGNIFICANT NATURAL FLORENCE COASTAL SHORELANDS
COMBINING DISTRICT ZONE ADMINISTRATION(SN)~~**

10.240-05 Application of Combining Zones.

Florence Coastal Shorelands Combining Zones are applied to Coastal Shorelands within the Florence Urban Growth Boundary.

10.240-10 Geographic Extent.

Florence Coastal Shorelands include all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal Lakes, and North Jetty Lake.

10.240-15 Relationship to Estuary Zones.

These combining zones implement policies in the Florence Comprehensive Plan and corresponding “management units.”

The requirements of the adjacent Estuary Zones supersede the requirements for Coastal Shorelands; and the provisions of the adjacent Estuary Zone must be reviewed for any additional uses or requirements that may apply to the respective Coastal Shoreland Combining Zone. Shoreland uses and buffer zones must not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

10.240-20 Consultant's Reports.

Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein; the applicant may be required to submit a supplementary report containing findings prepared by an engineer, hydrologist, environmental scientist, geologist, biologist, or other qualified consultant.

10.240-25 Uses Subject to State and Federal Permits.

(1) When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(2) Applicants must provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application to the County in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

(3) The approval of any use authorized by the provisions of these Combining Zones must also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(4) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department.

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10.240-30 Relationship to Base Zones.

The requirements imposed by the combining zones are in addition to those imposed by the base zone with which it is combined; or, if the combining zone conflicts with the requirements of that zone, the more restrictive requirements apply. 10.240-05

~~—————Purpose.~~

~~The Significant Natural Area Combining District (SN) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Comprehensive Plan as possessing a combination of unique physical, social or biological characteristics requiring protection from intensive human disturbance. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /SN District is applied to prominent aesthetic features such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas.~~

~~—————The /SN District provides a procedure by which to define the exact geographical boundaries of the shorelands within the /SN District that require protection beyond that provided by the District or Districts with which the /SN is combined and imposes additional development requirements within these boundaries. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

10.240-06 Intent.

~~The requirements imposed by the /SN District shall be in addition to those imposed by the respective District or Districts with which the /SN District is combined. Where the requirements of the /SN District conflict with the requirements of the District or Districts with which it is combined, the more restrictive requirements shall apply. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

10.240-10 Permitted Uses.

~~In areas found subject to the requirements of the /SN Combining District by the Preliminary Investigation specified by LC 10.240-45 below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.~~

~~—————(1) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the District or Districts with which the /SN is combined.~~

~~—————(2) Low intensity grazing.~~

~~—————(3) Harvesting of wild crops.~~

~~—————(4) Low intensity recreation.~~

~~—————(5) Shore secured floating moorage facilities in adjacent water areas.~~

~~—————(6) Dredged material disposal when the /SN District is used in conjunction with the /DMR Combining District.~~

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~~(7) Mooring buoys, multipurpose multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuarine (DE) District. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83)~~

~~10.240-15 Special Uses Approved by the Planning Director.~~

~~If found subject to the requirements of the /SN District based on the results of the Preliminary Investigation specified by LC 10.240-45 below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.~~

~~(1) (a) Uses.~~

~~(i) Single family homes, mobile homes and such accessory buildings as allowed in the underlying zoning District.~~

~~(b) Criteria.~~

~~(i) All requirements set forth in LC 10.240-30, 35 and 40 below are met.~~

~~(2) (a) Uses.~~

~~(i) Single family dwelling units and mobile homes as allowed in the District or Districts with which the /SN District is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 10.240-30, 35 and 40 below.~~

~~(b) Criteria and Conditions.~~

~~(i) The said parcel existed prior to July 24, 1980.~~

~~(ii) The structures shall not occupy more than 30 percent of the lot area.~~

~~(iii) All applicable height restrictions are observed.~~

~~(iv) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.~~

~~(v) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.~~

~~(vi) All otherwise applicable requirements of this section are met.~~

~~(3) (a) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary:~~

~~(i) Public or commercial piling type docks or piers.~~

~~(ii) Private, multifamily or multi-use piling type docks or piers.~~

~~(iii) Mooring buoys which are permanently anchored to the estuary floor.~~

~~(iv) Dolphins.~~

~~(b) Criteria.~~

~~(i) The moorage facility is located within a Conservation Estuary (CE) District.~~

~~(ii) The use is not in violation of the purposes of the respective District or Districts with which the /SN is combined.~~

~~(iii) The use meets all criteria and conditions of the appropriate estuary District.~~

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~~(4) (a) Uses. All buildings and uses allowed as permitted uses in the respective District or Districts with which the /SN is combined subject to the requirements of this section except as expressly prohibited by LC 10.240-25 below.~~

~~(b) Criteria.~~

~~(i) The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Comprehensive Plan.~~

~~(ii) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.~~

~~(iii) All requirements set forth in LC 10.240-30, 35 and 40 below are met. (Revised by Ordinance No. 12-80, Effective 7.21.80; 17-80, 8.6.80; 13-82, 7.9.82; 16-83, 9.11.83)~~

10.240-20 Special Uses Approved by the Hearings Official.

~~If found subject to the requirements of the /SN District based on the results of the Preliminary Investigation specified by LC 10.240-45 below, the following specified uses and no others are permitted, subject to approval by the Hearings Official pursuant to LC 14.300, upon satisfaction of all applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.~~

~~(1) (a) Uses.~~

~~(i) Artificial bank stabilization adjacent to estuaries and lakes.~~

~~(b) Criteria.~~

~~(i) The stabilization is necessary to protect structures existing on or before October 7, 1977.~~

~~(ii) Natural bank stabilization methods are unfeasible or less appropriate.~~

~~(2) (a) Uses.~~

~~(i) All buildings and uses permitted conditionally or by special use permit in the respective District or Districts with which the /SN District is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by LC 10.240-25 below.~~

~~(b) Criteria and Conditions.~~

~~(i) All applicable criteria provided within the respective District with which the /SN is combined are met.~~

~~(ii) The use will not adversely affect the aesthetic and biological characteristics of the site as identified in the Comprehensive Plan.~~

~~(iii) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Department of Planning and Community Development shall be the proper consulting agency in this regard.~~

~~(iv) All requirements set forth in LC 10.240-30, 35 and 40 below are met.~~

~~(3) (a) Uses.~~

~~(i) Single family, single purpose piling type docks and piers.~~

~~(b) Criteria~~

~~(i) No reasonable alternatives exist to the construction of a single-family single use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or nonpiling type floating piers.~~

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~~————— (ii) — The dock or pier shall not be located within a Natural Estuary District.~~

~~————— (iii) — If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary district. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 16-83, 9.14.83)~~

~~**10.240-25 Prohibited Uses.**~~

~~If found subject to the requirements of the /SN District based on the results of the Preliminary Investigation specified by LC 10.240 45 below, the following uses are specifically prohibited:~~

- ~~————— (1) — Fill in coastal lakes.~~
- ~~————— (2) — Fill in freshwater marsh areas as identified in the Lane County Comprehensive Plan. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.240-30 Site and Development Requirements.**~~

~~If found subject to the requirements of the /SN District based on the results of the Preliminary Investigation specified by LC 10.240 45 below, the below specified development requirements shall be in addition to those provided by the respective District or Districts with which the /SN District is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective District with which the /SN is combined, shall conform to Oregon Forest Practices Act rules.~~

- ~~————— (1) — No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.~~
- ~~————— (2) — To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.~~
- ~~————— (3) — Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 10.240 30(1) above. Where vegetation removal beyond that allowed in LC 10.240 30(1) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.~~
- ~~————— (4) — The requirements for parking and vision clearance shall be as provided by the respective District or Districts with which the /SN District is combined.~~
- ~~————— (5) — No topographic modification is permitted within the 100 foot setback area specified by LC 10.240 35 below.~~
- ~~————— (6) — The shoreward half of the setback area specified by LC 10.240 35 below must be left in indigenous vegetation, except where unsurfaced trails are provided.~~
- ~~————— (7) — Cornices, canopies and eaves may extend two feet into the setback area specified by LC 10.240 35 below.~~
- ~~————— (8) — Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 10.240 35 below.~~

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~~———— (9) — All mature trees must be retained within the setback area specified by LC 10.240-35 below, except where removal is subject to requirements of the Oregon Forest Practices Act.~~

~~———— (10) — Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.~~

~~———— (11) — The exterior building materials shall blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.~~

~~———— (12) — Where public ownerships in the form of existing rights of way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights of way. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)~~

~~10.240-35 Additional Setback Requirements.~~

~~Setbacks shall be as required in the District or Districts with which the /SN District is combined, except for the additional below specified setback requirements.~~

~~———— (1) — Structures shall be set back 100 feet from coastal lakes and the estuary measured at right angles to the high water line. Use of this 100 feet shall be as specified in LC 10.240-30(5)-(8) above.~~

~~———— (2) — Building setbacks on ocean front parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.240-40 Special Land Division Requirements.~~

~~The following criteria shall be met for land divisions on property within the /SN District based on the Preliminary Investigation in LC 10.240 below. These criteria are in addition to minimum area requirements of any District combined with the /SN District.~~

~~———— (1) — For lands within urban or urbanizable areas or lands developed or committed to development:~~

~~———— (a) — Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.~~

~~———— (2) — For lands not within urban or urbanizable areas or lands developed or committed to development:~~

~~———— (a) — There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 7-91, 6.5.91)~~

~~10.240-42 Additional Area Requirements.~~

~~Land divisions meeting the above specified criteria are permitted subject to the minimum area requirements of the respective District or Districts with which the /SN District is combined or 10 acres, whichever is greater. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

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~~10.240-45 Preliminary Investigation.~~

~~Any proposal for development within the /SN District shall require a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the /SN District shall apply. The requirements of the /SN District shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply:~~

~~———— (1) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:~~

~~———— (a) Floodways and floodway fringe.~~

~~———— (b) Land lying between the mean high, high water and mean low water mark of the coastal water bodies.~~

~~———— (c) Dikes, dams, levees or steep embankments which control the coastal water body.~~

~~———— (d) Lands along the ocean coast at or below the 26 foot elevation line.~~

~~———— (2) Adjacent areas of geologic instability which are composed of:~~

~~———— (a) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.~~

~~———— (b) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.~~

~~———— (c) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD District LC 10.270 would be inadequate to protect water quality, water temperature or shoreline stability.~~

~~———— (3) Natural or man-made riparian resources. These lands are as follows:~~

~~———— (a) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:~~

~~———— (i) Shading of coastal water body.~~

~~———— (ii) Stabilization of shoreline.~~

~~———— (iii) Habitat for rare or endangered wildlife species.~~

~~———— (iv) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.~~

~~———— (4) Areas of significant shoreland and wetland biological habitat composed of:~~

~~———— (a) Freshwater marshes identified in the Lane County Comprehensive Plan.~~

~~———— (b) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.~~

~~———— (c) Habitat, other than that listed in LC 10.240-45(3)(a)(iii) above, which supports rare or endangered species.~~

~~———— (5) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Comprehensive Plan.~~

~~———— (6) Areas identified in the Lane County Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.~~

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~~———— (7) ——— Coastal headlands, identified in the Lane County Coastal Inventory. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

~~**10.240-50 Fees for Preliminary Investigation.**~~

~~To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.240-55 Notification of Preliminary Investigation Determination.**~~

~~The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /SN District, and shall set forth the basis for the determination based on the criteria specified in LC 10.240-45 above. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.240-60 Appeal to Hearings Official.**~~

~~An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 5-81, 4.8.81; 13-82, 7.9.82; 16-83, 9.14.83)~~

~~**10.240-65 Exceptions to Nonconforming Uses.**~~

~~If damaged or destroyed, piling type docks or piers may be rebuilt but not expanded, notwithstanding the provisions of LC 10.305-20. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.240-70 Uses Subject to State and Federal Permits.**~~

~~———— (1) ——— When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.~~

~~———— (2) ——— Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.~~

~~———— (3) ——— Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.~~

~~———— (4) ——— Proposals subject to special use approval or for building permits for uses otherwise allowed shall be forwarded in writing to the Oregon State Department of Fish and Wildlife within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.~~

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~~(5) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

~~**10.240-75 Application of District to Federal Lands:**~~

~~The application of the /SN District shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

PRIME WILDLIFE SHORELANDS COMBINING ~~DISTRICT~~ ZONE (/PW-FCP)

~~**10.245-05 Purpose and Application.** The Prime Wildlife Combining District. The Prime Wildlife Combining District (/PW) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species or a diversity of wildlife species. Lands in this District serve to protect wildlife habitat, water quality, bank stability and provide flood control. The /PW District is applied to areas of riparian vegetation and to the habitat limits of specific species of concern.~~

~~The /PW District provides a procedure by which to define the exact geographical boundaries of the shorelands within the /PW District that require protection beyond that provided by the District or Districts with which the /PW is combined and imposes additional development requirements within these boundaries. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.245-06 Intent.**~~

~~(1) Purpose. The purpose of the /PW-FCP Zone is to protect areas in and adjacent to the North Jetty Lake and the South Heceta Junction Seasonal Lakes that have native vegetation and habitats of specific species of concern and to protect wildlife habitat, water quality, bank stability, and provide flood control. The requirements imposed by the /PW-FCP Zone District shall be in addition to those imposed by the **zone or zones** respective District or Districts with which the /PW-FCP Zone District is combined. Where the requirements of the /PW-FCP District conflict with the requirements of the **District or Districts zone or zones** with which it is combined, the more restrictive requirements shall apply.~~

~~(2) Application. The Prime Wildlife Combining Zone (/PW-FCP) is applied within the Florence Urban Growth Boundary to Coastal Lake Shorelands identified in inventory information and designated in the Florence Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species. The /PW-FCP Zone applies to the North Jetty Lake Shorelands as shown on the Official Lane County Coastal Zoning Maps. The extent of the /PW zone application for the South Heceta Junction Seasonal Lakes is determined through a Preliminary Investigation as specified below.~~

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(3) Preliminary Investigation. Any land use or building permit application within the /PW-FCP Zone as it applies to the South Heceta Junction Seasonal Lakes requires a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the combining zone apply. The requirements of the combining zone apply in an area generally identified on the Official Lane County Coastal Zoning Maps and, specifically, in the site-specific information submitted by an applicant to determine whether the site possesses areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species identified in the Coastal Resources Inventory, or function to provide or affect water quality, bank stability or flood control. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

10.245-10 Permitted Uses.

The following structures and uses and no others are permitted outright, as hereinafter specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of vegetation adjacent to the lakes will be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "significant wildlife habitat." These areas will be specially evaluated prior to approval of vegetation removal plans to ensure the habitat has been adequately considered.

- (1) Harvesting of wild crops.**
- (2) Low-intensity recreation.**

(3) Shore-secured floating moorages, mooring buoys, and other moorage facilities not physically anchored in adjacent lakes. In areas found subject to the requirements of the /PW Combining District by the Preliminary Investigation specified by LC 10.245-45 below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

~~———— (1) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the District or Districts with which the /PW is combined.~~

~~———— (2) Low intensity grazing.~~

~~———— (3) Harvesting of wild crops.~~

~~———— (4) Low intensity recreation.~~

~~———— (5) Dredged material disposal when the /PW District is used in conjunction with the /DMR Combining District.~~

~~———— (6) Shore secured floating moorages, mooring buoys, multi purpose multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes and Development Estuarine District (DE). (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83)~~

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10.245-15 Special Uses Approved by the Planning Director.

The following specified uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150 provided all criteria below and the requirements set forth in LC 10.245-30, -35, and -40 are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14 days to review and comment on the impact of development on critical habitats and will request suggestions concerning ways to avoid or mitigate identified adverse impacts.

~~If found subject to the requirements of the /PW District based on the results of the Preliminary Investigation specified by LC 10.245-45, the following specified uses and no others are subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.~~

~~(1) (a) Uses.~~

~~(i) Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zoning ~~district~~**zone, provided-**~~

~~(b) Criteria.~~

~~(i) All all requirements set forth in LC 10.245-30, -35, and -40 below are met.~~

~~(2) (a) Uses.~~

~~(i) Single-family dwelling units and mobile homes as allowed in the ~~District or Districts~~**zone or zones** with which the /PW-FCP ~~Zone District~~ is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 10.245-30, ~~and -35, and -40~~ below, **subject to the following criteria and conditions:-**~~

~~(ba) Criteria and Conditions.~~

~~(i) The ~~said~~**subject** parcel existed prior to July 24, 1980.~~

~~(ib) The structures shall not occupy more than 30 percent of the lot area.~~

~~(iic) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.~~

~~(ivd) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.~~

~~(ve) All otherwise applicable requirements of this section are met.~~

~~(3) (a) Uses. ~~The following moorage facilities attached or connected to the shorelands and located in the estuary.~~~~

~~(i) Public or commercial piling type docks or piers.~~

~~(ii) Private, multifamily or multiuse piling type docks or piers.~~

~~(iii) Mooring buoys which are permanently anchored to the estuary floor.~~

~~(iv) Dolphins.~~

~~(b) Criteria.~~

~~(i) The moorage facility is located within a ~~Conservation Estuary (CE) District.~~~~

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~~—————(ii) The use is not in violation of the purposes of the respective District or Districts with which the /PW is combined.~~

~~—————(iii) The use meets all criteria and conditions of the appropriate estuary District.~~

~~—————(4) (a) Uses. All buildings and uses allowed as permitted outright uses in the respective District or Districts zone or zones with which the /PW-RCP Zone is combined, subject to the requirements of this section except as expressly prohibited by LC 10.245-25 below and subject to meeting all of the following criteria:-~~

~~—————(ba) Criteria.~~

~~—————(i) Maintain the natural quality of surface and subsurface waters.~~

~~—————(ib) Maintain bank stability.~~

~~—————(ic) Avoid sedimentation of coastal waters **including the lakes.**~~

~~—————(id) Maintain a **buffer shorefront zone of riparian vegetation** at least comparable to that required in LC 10.245-30; **and -35 and -40** below, or greater if necessary to provide flood control and preserve important riparian wildlife habitat.~~

~~—————(ie) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.~~

~~—————(if) Any other applicable criteria provided within the **respective District within which the /PW District is combined base zone.**~~

~~—————(ig) All requirements set forth in LC 10.245-30; **and -35, and -40** below ~~are met~~. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

10.245-20 Special Uses Approved by the Hearings Official Conditional Uses.

The Hearings Official, subject to the procedures and conditions set forth in Lane Code 14.300, may grant a Conditional Use Permit for the following uses, provided all criteria below and the requirements set forth in LC 10-245-30 and -35 below are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14-days to review and comment on the impact of development on critical habitats and request suggestions concerning ways to avoid or mitigate identified adverse impacts.

(1) Riprap and other erosion control structures, provided the following additional criteria are met.

(a) The stabilization is necessary to protect uses allowed in the base zone.

(b) They are necessary because land use management practices and non-structural solutions cannot be used.

(c) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

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(iii) The benefits of the proposed structure must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(2) All buildings and uses permitted conditionally or by Special Use Permit in the base zone, except as expressly prohibited by LC 10.245-25 below, and subject to the following criteria and the criteria in sections LC 10.245-30 and -35:

(a) Maintain the natural quality of surface and subsurface waters.

(b) Maintain bank stability.

(c) Avoid sedimentation of coastal waters including lakes.

(d) Maintain a buffer at least comparable to that required in LC 10.245-30 and -35 below or greater if necessary to provide flood control and preserve important wildlife habitat.

(e) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

(f) Any other applicable criteria provided within the base zone.

~~(g) All requirements set forth in LC 10.245-30 and -35. If found subject to the requirements of the /PW District based on the results of the Preliminary Investigation specified by LC 10.245 45 below, the following specified uses and no others are subject to approval by the Hearings Official pursuant to LC 14.300, upon satisfaction of all applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.~~

~~(1) (a) Uses.~~

~~(i) Artificial bank stabilization adjacent to estuaries and lakes.~~

~~(b) Criteria.~~

~~(i) The stabilization is necessary to protect structures existing on or before October 7, 1977.~~

~~(ii) Natural bank stabilization methods are unfeasible or less appropriate.~~

~~(2) (a) Uses.~~

~~(i) All buildings and uses permitted conditionally or by special use permit in the respective District or Districts with which the /PW District is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by LC 10.245 25 below.~~

~~(b) Criteria.~~

~~(i) Maintain the natural quality of surface and subsurface waters.~~

~~(ii) Maintain bank stability.~~

~~(iii) Avoid sedimentation of coastal waters.~~

~~(iv) Maintain a shorefront zone of riparian vegetation at least comparable to that required in LC 10.245 30, 35 and 40 below or greater if necessary to provide flood control and preserve important riparian wildlife habitat.~~

~~(v) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.~~

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~~(vi) Any other applicable criteria provided within the respective district within which the /PW District is combined.~~

~~(vii) All requirements set forth in LC 10.245-30, 35, and 40 below are met.~~

~~(3) (a) Uses.~~

~~(i) Single family, single purpose piling type docks and piers.~~

~~(b) Criteria.~~

~~(i) No reasonable alternatives exist to the construction of a single-family, single use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or nonpiling type floating piers.~~

~~(ii) The dock or pier shall not be located within a Natural Estuary District.~~

~~(iii) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary district. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 13-82, 7.9.82; 16-83, 9.14.83)~~

10.245-25 Prohibited Uses.

~~If found subject to the requirements of the /PW District based on the results of the Preliminary Investigation specified by LC 10.245-45, t~~The following uses are specifically prohibited:

(1) Fill in coastal lakes.

(2) Fill in freshwater marsh areas ~~as identified in Lane County Comprehensive Plan.~~

~~(3) New piling type piers of any descriptions when adjacent to a Natural Estuarine (NE) District.~~

~~(4) Dredged material disposal. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

10.245-30 Site and Development Requirements.

~~If found subject to the requirements of the /PW District based on the results of the Preliminary Investigation specified by LC 10.245-45 below, the below specified development requirements shall be in addition to those provided by the respective District or Districts with which the /PW District is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective District with which the /PW is combined, shall conform to Oregon Forest Practices Act Rules. The below specified development requirements are in addition to those provided by the zone or zones with which the /PW-FCP is combined. See also LC 10.265 for additional requirements that may apply.~~

~~(1) If existing lots which are too small to accommodate the combined required setback in the base zone and the buffer, construction of a residence will be allowed in this total setback providing clearance of vegetation on the remainder of the lot is kept to an absolute minimum and hazard to life and property is minimal and acceptable.~~

~~(+2) No more of a parcel's existing vegetation shall is permitted to be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.~~

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(23) To the maximum degree possible, building sites ~~shall~~**must** be located on portions of the site which exhibit the least vegetative cover.

(34) ~~Construction~~**Outside the setback area, construction** activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for ~~the public~~**facilities**. ~~indicated in LC 10.245-30(1) above.~~ Where vegetation removal beyond that allowed in ~~LC 10.245-30(1) above~~**section F** cannot be avoided, the site ~~shall~~**must** be replanted during the next replanting season to avoid sedimentation of coastal ~~waterslakes~~**waterslakes**. The vegetation ~~shall~~**must** be of ~~indigenous~~**native** species in order to maintain the natural character of the area.

~~(4) The requirements for parking and vision clearance shall be as provided by the respective District or Districts with which the /PW District is combined.~~

(5) No topographic modification is permitted within ~~the 50-foot setback area specified by LC 10.245-35 below~~**100 feet of the shore**.

(6) **A 100 foot minimum buffer** ~~The shoreward half of the setback area specified by LC 10.245-35 below~~ must be left in ~~indigenous~~**native** vegetation, except where unsurfaced trails are provided.

~~(7) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 10.245-35 below.~~

~~(8) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 10.245-35 below.~~

~~(9) All mature trees must be retained within the setback area specified by LC 10.245-35 below,~~**buffer** except where removal is subject to requirements of the Oregon Forest Practices Act.

(108) Structures ~~shall~~**must** be sited and/or screened with ~~natural~~**native** vegetation so as not to impair the aesthetic quality of the site.

(119) The exterior building materials ~~shall~~**must** blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.

~~(12) Where public ownerships in the form of existing rights of way which provide access to coastal waters are involved in development subject to the regulation of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights of way. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)~~

10.245-35 Additional Setback Requirements.

Setbacks ~~shall be~~**are** as required in the ~~District or Districts~~**zone or zones** with which the ~~/PW-FCP Zone District~~ is combined. ~~except for the additional below specified setback requirements.~~

~~(1) In addition to the yard setbacks in the base zone, a 100 foot buffer is required. Structures shall be setback 50 feet from coastal lakes and the estuary measured at right angles to the high water line. Use of this 50-100 foot-foot buffer shall be as specified in LC 10.245-30(5) (8) above.~~

~~(2) Building setbacks on ocean front parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated~~

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~~average annual erosion rate and multiplying that by the expected life of the structure.
(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.245-40 Special Land Division Requirements.**~~

~~The following criteria shall be met for land divisions on property within the /PW District based on the Preliminary Investigation in LC 10.245-45 below. These criteria are in addition to minimum area requirements of any District combined with the /PW District~~

~~———— (1) For lands within urban or urbanizable areas or lands developed or committed to development:~~

~~———— (a) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.~~

~~———— (b) The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Coastal Resources Management Plan.~~

~~———— (c) Minimum area requirements for the division of land shall be based on the minimum parcel size in the District with which the /PW District is combined, or five acres, whichever is greater.~~

~~———— (2) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criteria, plus the following:~~

~~———— (a) There is a need which cannot adequately be accommodated on nonshoreland locations.~~

~~———— (b) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 7-91, 6.5.91)~~

~~**10.245-45 Preliminary Investigation.**~~

~~Any proposal for development within the /PW District shall require a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the /PW District shall apply. The requirements of the /PW District shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.~~

~~———— (1) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:~~

~~———— (a) Floodways and the floodway fringe.~~

~~———— (b) Land lying between the mean high, high water and mean low water mark of coastal water bodies.~~

~~———— (c) Dikes, dams, levees or steep embankments which control the coastal water body.~~

~~———— (d) Lands along the ocean coast at or below the 26-foot elevation line.~~

~~———— (2) Adjacent areas of geologic instability which are composed of:~~

~~———— (a) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body;~~

~~———— (b) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.~~

~~———— (c) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD District LC 10.270 would be inadequate to protect water quality, water temperature or shoreland stability.~~

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~~(3) Natural or man-made riparian resources. These lands are as follows:~~
~~(a) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:~~
~~(i) Shading of coastal water body;~~
~~(ii) Stabilization of shoreline;~~
~~(iii) Habitat for rare or endangered wildlife species;~~
~~(iv) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.~~
~~(4) Areas of significant shoreland and wetland biological habitat, composed of:~~
~~(a) Freshwater marshes identified in the Lane County Comprehensive Plan;~~
~~(b) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.~~
~~(c) Habitat, other than that listed in 3(a)(iii) above, which supports rare or endangered species.~~
~~(5) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Comprehensive Plan.~~
~~(6) Areas identified in the Lane County Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.~~
~~(7) Coastal headlands, identified in the Lane County Coastal Inventory. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.245-50 Fees for Preliminary Investigation.~~

~~To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.245-55 Notification of Preliminary Investigation Determination.~~

~~The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /PW District and shall set forth the basis for the determination based on the criteria specified in LC 10.245-45 above. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.245-60 Appeal to Hearings Official.~~

~~An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500. (Revised by Ordinance No. 5-81, 4.8.81; 13-82, 7.9.82; 16-83, 9.14.83)~~

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~~**10.245-65 – Exceptions to Nonconforming Uses.**~~

~~If damaged or destroyed, piling type docks or piers may be rebuilt but not expanded, notwithstanding the provisions of LC 10.305-20. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.245-70 – Uses Subject to State and Federal Permits.**~~

~~———— (1) — When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.~~

~~———— (2) — Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.~~

~~———— (3) — Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.~~

~~———— (4) — Proposals subject to special use approval or for building permits for uses otherwise allowed shall be forwarded in writing to the Oregon State Department of Fish and Wildlife within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.~~

~~———— (5) — Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

~~**10.245-75 – Application of District to Federal Lands.**~~

~~The application of the /PW District shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

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**NATURAL RESOURCES CONSERVATION COMBINING ~~DISTRICT~~ ZONE
(/NRC)**

10.250-05 Purpose.

~~The Natural Resources Conservation Combining District is applied to those coastal area shorelands identified in inventory information as timber lands, agricultural lands or shorelands in dune areas. It is the purpose of the /NRC District to encourage long term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal waters.~~

~~———— The /NRC District is specifically designed to carry out the following purposes:~~

~~———— (1) Conservation and maintenance of renewable resources, primarily silvicultural and agricultural.~~

~~———— (2) Protection of such natural resources as soil and such natural systems as drainage courses and waterways.~~

~~———— (3) Enhancement of renewable resources such as the coastal fisheries and timber industries.~~

~~———— (4) Allow for recreation and public access to coastal waters.~~

~~———— The /NRC District provides a procedure by which to define the exact geographical boundaries of the shorelands within the /NRC District which require protection beyond that provided by the District or Districts with which the /NRC is combined and imposes additional development requirements within these boundaries.~~

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

(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

10.250-06 (2) Intent. The requirements imposed by the /NRC-FCP Combining Zone District shall be in addition to those imposed by the respective District or Districtszone or zones with which the /NRC-FCP District is combined. Where the requirements of the /NRC-FCP Combining Zone District conflict with the requirements of the District or Districts with which it is combined, the more restrictive requirements shall apply. base zone, the more restrictive requirements apply. The requirements of the adjacent Estuary Zone supersede the requirements of this section of the Code.

(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

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10.250-10 Permitted Uses.

~~In areas found subject to the requirements of the /NRC Combining District by the Preliminary Investigation specified by LC 10.250-45 below~~**In addition to the uses specifically allowed in the adjacent Estuary Zone**, the following structures and uses and no others are permitted ~~as hereinafter~~**outright** specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The ~~Forest Practices Act requirements for the~~ maintenance of riparian vegetation ~~shall~~**will** be enforced to provide shading **and** filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to ~~approval of timber harvest~~**the approval of** plans to ensure the habitat has been adequately considered. **The following uses are allowed if consistent with the applicable requirements of the adjacent Estuary Zone:**

(1) **Harvesting of wild crops.**~~Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the District or Districts with which the /NRC is combined.~~

(2) **Low intensity recreation.**~~Agricultural activities and general farming uses and structures as permitted by the District or Districts with which the /NRC is combined.~~

(3) **In or adjacent to lakes: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. This use as it pertains to the estuary is regulated by the applicable Estuary Zone.**~~Dredged material disposal when the /NRC is used in conjunction with the /DMR Combining District.~~

(4) **In or adjacent to lakes: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Lane Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources, as provided in the Conditional Use requirements in LC 10.250-20. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, refer to the applicable Estuary Zoning requirements.**

~~Shore secured floating moorage facilities in adjacent water areas.~~

(5) **In or adjacent to lakes: mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.** ~~Public, commercial or private, multi-family, multi-use piling docks and piers in adjacent lakes and in Estuarine Districts subject to the requirements of the respective Estuarine Districts.~~

~~(6) Boat launching ramps except where adjacent to a Natural Estuarine (/NE) District.~~

~~(7) Harvesting of wild crops.~~

~~(8) Low intensity recreational activities.~~ *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83)*

10.250-15 Special Uses Approved by the Planning Director.

In addition to the Special Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted only with a Special Use Permit.

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A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150 upon satisfaction of the applicable criteria set forth in LC 10.250-30 and -35, except as expressly exempted below and except as expressly prohibited by LC 10-250-25, and provided they are consistent with the requirements of the adjacent Estuary Zone.

~~If found subject to the requirements of the /NRC District based on the results of the Preliminary Investigation specified by LC 10.250 45 below, the following specified uses and no others are permitted subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria:~~

~~_____ (1) (a) Uses.~~

~~_____ (i1) Single-family ~~dwelling units and homes~~, mobile homes, and such accessory buildings as allowed in the underlying zone ~~in~~ District.~~

~~_____ (b) Criteria.~~

~~_____ (i) All requirements set forth in LC 10.250 30, 35 and 40, below, are met.~~

~~_____ (2) (a) Uses.~~

~~_____ (i2) Single-family dwelling units and mobile homes as allowed in the ~~District or Districts~~ **zone or zones** with which the /NRC-FCP is combined where existing parcel size is insufficient for the development to meet the development, setback, and area requirements set forth in LC 10.250-30 ~~and~~, -35 **provided the following criteria are met:** ~~and 40, below.~~~~

~~_____ (b) Criteria.~~

~~_____ (ia) The said parcel existed prior to July 24, 1980.~~

~~_____ (ib) The structures ~~shall~~ **must** not occupy more than 30 percent of ~~the~~ lot area.~~

~~_____ (iic) All applicable height restrictions are observed.~~

~~_____ (ivd) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.~~

~~_____ (ve) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation ~~criteria~~ **clearance** ~~by LC 10.250 30, below~~, is minimized.~~

~~_____ (vif) All otherwise applicable requirements of this section are met.~~

~~_____ (3) **All buildings and uses allowed as permitted uses in the respective zone with which the /NRC-FCP is combined, except as expressly prohibited by LC 10.250-25, and subject to the following additional criteria:**~~

~~_____ (a) **The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Florence Comprehensive Plan.**~~

~~_____ (a) Uses.~~

~~_____ (i) ~~Single family, single purpose docks and piers in adjacent coastal lakes or Development or Conservation Estuarine Districts.~~~~

~~_____ (b) Criteria.~~

~~_____ (i) ~~The applicant shall attest in writing that there are no viable alternatives to the construction of a private, single family structure. Alternatives include dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.~~~~

~~_____ (ii) ~~The size of the structure is limited to that required for the intended use.~~~~

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~~_____ (iii) All requirements of the respective Estuarine Districts are met.~~
~~_____ (4) (a) Uses.~~
~~_____ (i) Removal of individual hazardous trees within the required 50-foot strip of shorefront vegetation specified by LC 10.250 30(4), below.~~
~~_____ (b) Criteria.~~
~~_____ (i) It can be clearly determined that the trees are a hazard to life or existing property.~~
~~_____ (5) (a) Uses.~~
~~_____ (i) All permitted buildings and uses allowed in the respective District with which the /NRC is combined.~~
~~_____ (b) Criteria.~~
~~_____ (i) All requirements set forth in LC 10.250 30, 35 and 40, below, are met.~~
~~_____ (iib) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.~~
~~_____ (iiic) The use will not adversely affect the resource use of adjacent timber or agricultural lands.~~

(4) Dredged material disposal when the /NRC-FCP Combining Zone is used in conjunction with the /DMS-FCP Combining Zone, subject to the requirements of the /DMS-FCP Combining Zone. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-83, 9.14.83)*

10.250-20 Special Uses Approved by the Hearings Official Conditional Uses.

~~If found subject to the requirements of the /NRC District based on the results of the Preliminary Investigation specified by LC 10.250 45, below, the following specified uses and no others are permitted subject to approval by the Hearings Official pursuant to LC 14.300, upon satisfaction of all applicable criteria.~~

~~_____ (1) (a) Uses.~~
~~_____ (i) Artificial bank stabilization adjacent to estuaries and lakes.~~
~~_____ (b) Criteria.~~
~~_____ (i) The stabilization is necessary to protect structures existing on or before October 7, 1977, or to protect public or private roads, bridges or railroads.~~
~~_____ (ii) Natural bank stabilization methods are unfeasible.~~
~~_____ (2) (a) Uses.~~
~~_____ (i) Fills in coastal lakes adjacent to the /NRC District.~~
~~_____ (b) Criteria and Conditions.~~
~~_____ (i) The applicant must submit an analysis of the physical and biological impacts of the proposed fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.~~
~~_____ (ii) Cumulative and direct impacts on water quality must be minimized.~~
~~_____ (iii) The benefits of the proposed fill to long term economic development or improved public recreational use shall outweigh the negative impacts on water quality.~~
~~_____ (3) (a) Uses.~~

In addition to the Conditional Uses specifically allowed in the adjacent Estuary Zone, the Hearings Official, subject to the procedures and conditions set forth in

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Lane Code 14.300, may grant a Conditional Use Permit for the following uses, upon satisfaction of the applicable criteria, provided all applicable requirements set forth in LC 10.250-30 and -35 are met and they are found to be consistent with the requirements of the adjacent Estuary Zone.

~~_____~~ (i) All buildings and uses allowed conditionally or by special use permit in the respective ~~District or Districts~~ **zone or zones** with which the /NRC-FCP ~~District~~ is combined, except where expressly prohibited by ~~this section~~ **LC 10.250-25, and subject to the following criteria:-**

~~_____~~ (b) ~~Criteria.~~

~~_____~~ (i) All applicable criteria provided within the respective ~~District~~ **zone** with which the /NRC-FCP is combined are met.

~~_____~~ (ii) The use will not adversely affect the ~~resource use of adjacent designated timber and agricultural lands~~ **aesthetic and biological characteristics of the site as identified in the Florence Comprehensive Plan.**

~~_____~~ (iii) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

~~_____~~ (iv) ~~All requirements set forth in LC 10.250-30, -35, and -40, below, are met.~~

(2) In Coastal Lakes: public and private docks and piers provided the following criteria are met and the use does not conflict with other requirements of this Code. For this use in or adjacent to the estuary, the requirements of the Estuary Zone apply.

(a) The size and shape must be limited to that required for the intended use.

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

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

(d) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed use must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(3) Fill in coastal lakes adjacent to the /NRC-FCP Combining Zone is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and

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wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.

(a) The applicant must submit an analysis of the physical and biological impacts of the proposed fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(b) Cumulative and direct impacts on water quality and fish and wildlife must be minimized.

(c) The benefits of the proposed fill must outweigh the negative impacts on water quality and fish and wildlife and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(4) In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(a) The stabilization is necessary to protect uses allowed in the base zone.

(b) They are necessary because land use management practices and non-structural solutions cannot be used.

(c) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed structure must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.
(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 16-83, 9.14.83)

10.250-25 Prohibited Uses.

Fill in freshwater marsh areas is specifically prohibited.

10.250-30 Site and Development Requirements.

~~If found subject to the requirement of the /NRC District based on the results of the Preliminary Investigation specified by LC 10.250 45, below, the below specified development requirements shall be in addition to those provided by the respective District or Districts with which the /NRC is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective District with which the /NRC is combined, shall conform to Oregon Forest Practices Act rules.~~

~~———— (1) Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the proposed structure or structures, accessory buildings, necessary access, septic requirements and fire safety requirements.~~

~~———— (2) In all cases vegetative cover shall be retained on lands within the shoreland area. Construction activities shall occur in such a manner as to avoid unnecessary~~

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~~excavation and removal of indigenous vegetation unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be during the construction phase of any project.~~

~~————(3) Thirty feet of indigenous riparian vegetation shall be retained along all coastal water bodies. This shall be measured at right angles from the mean high water line of the coastal water body.~~

~~————(4) Existing trees must be retained with an area 50 feet in width measured at right angles from the mean high water line of the coastal water body.~~

~~————(5) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 10.250-35, below.~~

~~————(6) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 10.250-35, below.~~

~~The following specified development requirements are in addition to those provided by the respective zone or zones with which the /NRC-FCP is combined. See also LC 10.265 for additional requirements that may apply.~~

~~(1) For existing lots which are too small to accommodate the combined required setback in the underlying zone and the buffer, development will be allowed within the setback required in LC 10.250-35 only with approval of a variance issued under LC 10.330. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).~~

~~(2) No more of a parcel's existing vegetation is permitted to be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements, and fire safety requirements.~~

~~(3) To the maximum degree possible, building sites must be located on portions of the site which exhibit the least vegetative cover.~~

~~(4) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 10.250-30, where vegetation removal beyond that allowed above cannot be avoided, the site must be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation must be of native species in order to maintain the natural character of the area.~~

~~(75) The requirements for parking and vision clearance shall are be as provided by the respective District or Districts with which the /NRC is combined.~~

~~————(86) No topographic modification is permitted within the 50 foot buffer specified by LC 10.250-35.~~

~~(7) The area within the 50 foot buffer must be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50 feet of native vegetation, the following kinds of modifications are allowable:~~

~~(a) Foot paths~~

~~(b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the County and the Oregon Department of Fish~~

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and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.

(c) Replanting of the area or other areas which have been previously cleared.

(8) All mature trees must be retained within the setback area specified by LC 10.250-35, except where removal is subject to requirements of the Oregon Forest Practices Act.

(9) Structures must be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.

(10) The exterior building materials must blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.

~~Where public ownerships in the form of existing rights of way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights of way. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.~~ (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)

10.250-35 Additional Setback Requirements.

Setbacks ~~shall~~**must** be as required in the ~~District or Districts with which the NRC is combined except for base zone~~ **plus** the additional below-specified setback requirements.

(1) In addition to the yard setbacks required in the base zone, a 50 foot buffer is required. The buffer is measured from the mean high tide for the ocean and estuary and from the average high water for coastal lakes. Use of this 50 foot buffer must be as specified in LC 10.250-30. Structures shall be set back 50 feet from the coastal lakes measured at right angles to the high water line. Use of this 50 feet shall be as specified in LC 10.250-30(3) through (6) above.

(2) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback ~~shall be~~is determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. At a minimum, structures must be set back from the mean higher high tide at least 100 feet measured horizontally. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

~~10.250-40 Special Land Division Requirements.~~

~~The following criteria shall be met for land divisions on property within the NRC District based on the Preliminary Investigation in LC 10.250-45 below. These criteria are in addition to minimum area requirements of any District combined with the NRC District.~~

~~(1) For lands within urban or urbanizable areas or lands developed or committed to development.~~

~~(a) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.~~

~~(2) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, plus the following:~~

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~~(a) There is a need which cannot adequately be accommodated on non-shoreland locations.~~

~~(b) There is a lack of suitable shoreland locations within urban or urbanizable areas or within areas developed or committed to development. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 7-91, 6.5.91)~~

10.250-45 Preliminary Investigation.

~~Any proposal for development within the /NRC District shall require a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the /NRC District shall apply. The requirements of the /NRC District shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply:~~

~~(1) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:~~

~~(a) Floodways and the floodway fringe.~~

~~(b) Land lying between the mean high, high water and mean low water mark of coastal water bodies.~~

~~(c) Dikes, dams, levees or steep embankments which control the coastal water body.~~

~~(d) Lands along the ocean coast at or below the 26 foot elevation line.~~

~~(2) Adjacent areas of geologic instability are composed of:~~

~~(a) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.~~

~~(b) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.~~

~~(c) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD District, LC 10.270, would be inadequate to protect water quality, water temperature or shoreline stability.~~

~~(3) Natural or man-made riparian resources. These lands are as follows:~~

~~(a) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:~~

~~(i) Shading of coastal water body.~~

~~(ii) Stabilization of shoreline.~~

~~(iii) Habitat for rare or endangered wildlife species.~~

~~(iv) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.~~

~~(4) Areas of significant shoreland and wetland biological habitat composed of:~~

~~(a) Freshwater marshes identified in the Lane County Comprehensive Plan.~~

~~(b) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.~~

~~(c) Habitat, other than that listed in 3(a)(iii) above, which supports rare or endangered species.~~

~~(5) Areas necessary for water-dependent and water-related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas~~

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~~appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Comprehensive Plan.~~

~~———— (6) — Areas identified in the Lane County Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.~~

~~———— (7) — Coastal headlands, identified in the Lane County Coastal Inventory. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)*~~

~~10.250-50 Fees for Preliminary Investigation.~~

~~To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*~~

~~10.250-55 Notification of Preliminary Investigation Determination.~~

~~The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /SN District, and shall set forth the basis for the determination based on the criteria specified in LC 10.250-45, above. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)*~~

~~10.250-60 Appeal to Hearings Official.~~

~~An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 13-82, 7.9.82; 16-83, 4.15.83)*~~

~~10.250-65 Exceptions to Nonconforming Uses.~~

~~If damaged or destroyed, piling type docks or piers may be rebuilt but not expanded, notwithstanding the provisions of LC 10.305-20. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*~~

~~10.250-70 Uses Subject to State and Federal Permits.~~

~~———— (1) — When State or Federal permits, leases, easements or similar types of authorization are also required for a use subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.~~

~~———— (2) — Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.~~

~~———— (3) — Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.~~

~~———— (4) — Where applications for development are received for lands zoned for timber production, said applications shall be referred to the District Forester of the Oregon Department of Forestry. The District Forester shall have a 14 day "review and~~

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~~comment" period to evaluate the impact of the proposed development on the timber productivity of the parcel and adjacent lands.~~

~~(5) Improvements to ocean shore areas (as defined in ORS 390.065) are subject to a permit from the Oregon Department of Transportation. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 16-83, 9.14.83)~~

~~**10.250-75 Application of District to Federal Lands.**~~

~~The application of the /NRC District shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

**RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING DISTRICT
ZONE (/RD)**

10.255-05 Purpose.

~~The Shoreland Residential Development Combining Zone (/RD-FCP) is applied to residential development management units in the Florence Comprehensive Plan along the Siuslaw River Estuary and Munsel Lake (a Coastal Lake). It is the purpose of the /RD-FCP Combining Zone to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal water. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary Zone for additional allowed uses and criteria. The requirements of any adjacent Estuary Zone supersede the requirements of this section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.~~

~~The /RD-FCP Zone is specifically designed to carry out the following purposes:~~

- ~~(1) Protection of such natural resources as soil and such natural systems as drainage courses and waterways.~~
- ~~(2) Enhancement of renewable resources such as the coastal fisheries.~~
- ~~(3) Allow for recreation and public access to coastal water.~~

~~Residential Development Combining District (/RD) is applied to coastal shoreland areas suited to residential development within urbanizable areas and to lands outside of urbanizable areas which have been committed to residential use by their development pattern, including actual development and the platting of subdivision lots. Within these areas the /RD District is designed to ensure:~~

- ~~(1) Development in a manner that will protect water quality.~~
- ~~(2) Preservation and enhancement of riparian vegetation.~~
- ~~(3) Provision of recreational use of shorelands.~~
- ~~(4) Diversification of shorelands uses. The /RD District provides a procedure by which to define the exact geographical boundaries of the shorelands within the /RD District that require protection beyond that provided by the District or Districts with which the /RD District is combined and imposes additional development requirements within these boundaries. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

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~~**10.255-06 Intent.**~~

~~The requirements imposed by the /RD District shall be in addition to those imposed by the respective District or Districts with which the /RD District is combined. Where the requirements of the /RD District conflict with the requirements of the District or Districts with which is it combined, the more restrictive requirements shall apply. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

10.255-10 Permitted Uses.

In addition to uses specifically allowed in the adjacent Estuary Zone, the following structures and uses, and no others, are permitted outright when consistent with all of the requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30: ~~areas found subject to the requirements of the /RD District by the Preliminary Investigation specified by LC 10.255-45 below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section.~~

- ~~———— (1) Shore-secured floating moorage facilities in adjacent estuaries and lakes.~~
- ~~———— (2) Private multifamily, multiuse type docks and piers in adjacent lakes and estuarine areas if permitted by the respective Estuarine District.~~
- ~~———— (3) Dredged material disposal when the /RD District is used in conjunction with the /DMR Combining District.~~
- ~~———— (4) Commercial or public docks and piers provided such uses conform to the purposes of the District or Districts with which the /RD District is combined and provided such uses conform to the requirements of the respective Estuarine District.~~
- ~~———— (5) Boat Launching Ramps except where adjacent to a Natural Estuarine (NE) District.~~

- (61) Harvesting of wild crops.**
- (72) Low intensity recreational activities.**
- (3) Uses and buildings permitted outright in the base zone.**
- (4) In or adjacent to lake: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.**
- (5) In or adjacent to lake: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Lane Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.**
- (6) In or adjacent to lake: maintenance of existing riprap which is currently serviceable and was previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance must not increase the size, extent, or scope of the riprap, and must not otherwise alter the lake. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.**

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(7) In lake: Mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements shall apply.

(8) Public boat launching ramps in lake. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.255-15 Special Uses Approved by the Planning Director.

~~If found subject to the requirements of the /RD District based on the results of the Preliminary Investigation specified by LC 10.255-45 below, the following specified uses and no others are permitted subject to approval by the Planning Director pursuant to LC 14.100, In addition to Special Uses specifically allowed in the adjacent Estuary Zone, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150, upon affirmative findings of consistency with all of the requirements of an adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30 upon satisfaction of the applicable criteria. In addition,~~

~~(1) (a) Uses.
(i) Single family homes, mobile homes and such accessory buildings as allowed in the underlying zoning District.~~

~~(b) Criteria.
(i) All uses and buildings permitted in the base zone where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth in LC 10.255-25 and -30, are -35, and -40 below are met.~~**subject to the following criteria:**

~~(2) (a) Uses.
(i) Single family dwelling units and mobile homes as allowed in the District or Districts with which the /RD District is combined but where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 10.255-30, -35, -40 below.~~

~~(b) Criteria and Conditions.
(i1) The ~~said subject~~ parcel existed prior to July 24, 1980.
(ii2) The structures ~~shall do~~ not occupy more than 30 percent of the lot area.~~

~~(iii3) All applicable height restrictions are observed.
(iv) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.~~

~~(v4) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.~~

~~(vi5) All otherwise applicable requirements of this section are met.
(3) (a) Uses. All buildings and uses allowed as permitted uses in the respective District or Districts with which the /RD is combined subject to the requirements of this section except as expressly prohibited by LC 10.255-25 below.~~

~~(b) Criteria.
(i) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Water Pollution Control Division shall be the proper consulting agency in this regard.~~

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~~_____ (ii) All requirements set forth in LC 10.255 30, 35, and 40 below are met.~~

~~_____ (4) (a) Uses.~~

~~_____ (i) Single family, single purpose docks and piers in adjacent coastal lakes and estuary. (No piling type piers are permitted in the Natural Estuarine (NE) District.)~~

~~_____ (b) Criteria.~~

~~_____ (i) The applicant shall attest in writing, subject to confirmation by the Planning Director, that there are no viable alternatives to the construction of a private, single family pier or dock structure. Alternatives include dryland storage, mooring buoys, public piers, or the cooperative use of existing private piers.~~

~~_____ (ii) The size of the structure is limited to that required for the intended use.~~

~~_____ (iii) All requirements of the respective Estuarine District are met.~~

~~_____ (5) (a) Uses.~~

~~_____ (i) Removal of individual hazardous trees within the required 50-foot strip of shorefront vegetation specified by LC 10.255 30(3) below.~~

~~_____ (b) Criteria.~~

~~_____ (i) It can be clearly determined that the trees are a hazard to life or existing property. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-83, 9.14.83)~~

10.255-20 Special Conditional Uses Approved by the Hearings Official.

~~If found subject to the requirements of the /RD District based on the results of the Preliminary Investigation specified by LC 10.255 45 below, the following specified uses and no others are permitted subject to approval by the~~ **In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted, subject to approval by the Hearings Official. The Hearings Official, subject to the procedures and conditions set forth in pursuant to LC 14.300, may grant a Conditional Use Permit for the following uses, when consistent with all of the requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30 and upon satisfaction of all applicable criteria.**

~~(1) (a) Uses.~~

~~_____ (i) Artificial bank stabilization adjacent to estuaries and lakes.~~

~~_____ (b) Criteria.~~

~~_____ Natural erosion processes threatening a water dependent use(s), or threatening non water dependent or non water related uses where it has been demonstrated that the parcel is unsuited for water dependent or water related uses.~~

~~_____ (ii) Natural bank stabilization methods are deemed unfeasible or less appropriate.~~

~~_____ (2) (a) Uses.~~

~~_____ (i) _____ All buildings and uses permitted-allowed conditionally or by special use permit in the respective District or Districts base zone, with which the /RD District is combined, subject to the development, setback and area requirements of this section, or except as where expressly prohibited by LC 10.255 25 below.~~ **this section, subject to the following criteria:**

~~_____ (b) Criteria.~~

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~~_____ (ia) All applicable criteria provided within the ~~respective District or Districts with which the RD District are combined~~ base zone are met.~~

~~_____ (bi) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.~~

~~_____ (iii) All requirements set forth in LC 10.255 30, 35, and 40 below are met.~~

(2) In Coastal Lakes, public and private docks and piers provided the following criteria are met and the use does not conflict with other requirements of this Code. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(a) The size and shape must be limited to that required for the intended use;

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

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

(d) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed use must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.”

(3) In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(a) The stabilization is necessary to protect uses allowed in the base zone.

(b) They are necessary because land use management practices and non-structural solutions cannot be used.

(c) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

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(iii) **The benefits of the proposed structure must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.**

(4) **Fill in coastal lakes adjacent to the /RD-FCP Combining Zone is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.**

(a) **The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.**

(b) **Impacts on water quality and fish and wildlife habitat must be minimized.**

(c) **The benefits of the proposed fill must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.**

(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 16-83, 9.14.83; 7-91, 6.5.91)

10.255-25 Site and Development Requirements.

~~**10.255-25 Prohibited Uses.**~~

~~**The following uses or activities are expressly prohibited in the /RD District:**~~

~~**(1) Fills in coastal lakes adjacent to the /RD District. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)**~~

~~**10.255-30 Site and Development Requirements.**~~

~~If found subject to the requirements of the /RD District based on the results of the Preliminary Investigation specified by LC 10.255-45 below, the below specified The development requirements **specified herein shall are** in addition to those provided by the ~~respective District or Districts~~base zone. See also LC 10.265 for additional requirements that may apply. with which the /RD District is combined. These requirements shall not apply to timber harvest activities where the underlying zoning District allows timber harvesting as a permitted use. In such areas, timber harvesting activities shall conform to Oregon Forest Practices Act rules.~~

(1) **For existing lots which are too small to accommodate the combined required setback in the base zone and the buffer, development will be allowed within the setback required in LC 10.255-30 only with approval of a variance issued under Lane Code 10.330. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).**

(+2) **Development on shorelands within dune areas shall-must not result in clearance of a parcel's existing vegetation in excess of what is necessary for the**

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construction of the **proposed structure or** structures, **accessory buildings**, necessary access, ~~septic requirements~~ and fire safety requirements.

(23) In all cases vegetative cover ~~shall~~**must** be retained on lands within the shoreland area. Construction activities ~~shall~~**must** occur in such a manner as to avoid unnecessary excavation and removal of ~~indigenous~~**native** vegetation unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods ~~shall be~~**are** required during the construction phase of any project.

(4) A minimum fifty foot (50') buffer of native vegetation must be retained along the estuary (as measured from the mean high tide) and Coastal Lakes (as measured from the average high water).

(5) The area within the 50 foot buffer must be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowed:

(a) Foot paths

(b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the County and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.

(c) Replanting of the area or other areas which have been previously cleared.

(6) All mature trees must be retained in the buffer.

~~———— (3) Within the setback area specified under LC 10.255 35 below, all indigenous riparian vegetation except that removed to provide paths to the water body shall be retained within an area 30 feet in width measured at right angles from the mean high water line of the water body. For the remainder of the required setback area brush may be removed but trees shall be retained.~~

~~———— (4) Where riparian vegetation does not exist along the shoreline of the estuary or coastal lakes, an area 30 feet in width, measured at right angles to the shoreline, shall be planted in indigenous vegetation or other vegetation which will aid in bank stabilization and prevent sedimentation of the water body. Areas necessary for access to the water body are exempted from this requirement. Continued maintenance of this vegetation shall be the responsibility of the landowner.~~

~~———— (5) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 10.255 35 below.~~

~~———— (6) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 10.255 35 below.~~

~~———— (7) The requirements for parking and vision clearance shall be as provided by the respective District or Districts with which the /RD District is combined.~~

~~———— (8) Where public ownerships in the form of existing rights of way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights of way. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained. (Revised by Ordinance No. 12-80, Effective 7.24.80; 13-82, 7.9.82; 7-91, 6.5.91)~~

10.255-3530

Lane Code

10.255-45

10.255-3530 Additional Setback Requirements.

~~Setbacks shall be as required in the District or Districts with which the /RD District is combined except for the additional below specified setback requirements.~~

~~———— (1) — Structures shall be set back. **In addition to the yard setbacks required in the base zone, a 50 feet-foot buffer is required along** from coastal lakes and the estuary (as measured at right angles to **from the mean high water linetide**) and coastal lakes (as measured from the average high water). Use of this 50 feet-foot buffer shall **must** be as specified in LC 10.255-30(3) ~~(6)~~**25** above.~~

~~———— (2) — Building setbacks on ocean front parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

10.255-40 Special Land Division Requirements.

~~The following criteria shall be met for land divisions on property within the /RD District based on the Preliminary Investigation in LC 10.255-45 below. These criteria are in addition to minimum area requirements of any District combined with the /RD District.~~

~~———— (1) — For lands within urban or urbanizable areas or lands developed or committed to development:~~

~~———— (a) — Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.~~

~~———— (2) — For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, plus the following:~~

~~———— (a) — There is a need which cannot adequately be accommodated on nonshoreland locations.~~

~~———— (b) — There is a lack of suitable shoreland locations within urban or urbanizable areas or within areas developed or committed to development. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 7-91, 6.5.91)~~

10.255-45 Preliminary Investigation.

~~Any proposal for development within the /RD District shall require a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the /RD District shall apply. The requirements of the /RD District shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.~~

~~———— (1) — Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:~~

~~———— (a) — Floodways and the floodway fringe.~~

~~———— (b) — Land lying between the mean high, high water and mean low water mark of coastal water bodies.~~

~~———— (c) — Dikes, dams, levees, or steep embankments which control the coastal water body.~~

~~———— (d) — Lands along the ocean coast at or below the 26 foot elevation line.~~

~~———— (2) — Adjacent areas of geologic instability which are composed of:~~

~~———— (a) — Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.~~

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10.255-50

Lane Code

10.255-60

~~_____ (b) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.~~

~~_____ (c) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD District LC 10.270 would be inadequate to protect water quality, water temperature or shoreline stability.~~

~~_____ (3) Natural or man-made riparian resources. These lands are as follows:~~

~~_____ (a) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:~~

~~_____ (i) Shading of coastal water body.~~

~~_____ (ii) Stabilization of shoreline.~~

~~_____ (iii) Habitat for rare or endangered wildlife species.~~

~~_____ (iv) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.~~

~~_____ (4) Areas of significant shoreland and wetland biological habitat composed of:~~

~~_____ (a) Freshwater marshes identified in the Lane County Comprehensive Plan.~~

~~_____ (b) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.~~

~~_____ (c) Habitat, other than that listed in 3(a)(iii) above, which supports rare or endangered species.~~

~~_____ (5) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Comprehensive Plan.~~

~~_____ (6) Areas identified in the Lane County Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.~~

~~_____ (7) Coastal headlands, identified in the Lane County Coastal Inventory. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*~~

~~10.255-50 Fees for Preliminary Investigation.~~

~~To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*~~

~~10.255-55 Notification of Preliminary Investigation Determination.~~

~~The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /RD District, and shall set forth the basis for the determination based on the criteria specified in LC 10.255-45 above. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)*~~

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10.255-60

Lane Code

10.255-75

~~**10.255-60—Appeal to the Hearings Official.**~~

~~An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 13-82, 7.9.82; 16-83, 9.14.83)~~

~~**10.255-65—Exceptions to Nonconforming Uses.**~~

~~If damaged or destroyed, piling type docks or piers may be rebuilt but not expanded, notwithstanding the provisions of LC 10.305-20. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.255-70—Uses Subject to State and Federal Permits.**~~

~~———(1)——When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.~~

~~———(2)——Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.~~

~~———(3)——Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.~~

~~———(4)——Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

~~**10.255-75—Application of District to Federal Lands.**~~

~~The application of the /RD District shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

10.260-05 **Lane Code** 10.260-20
~~10.261-25 Lane Code~~

DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-FCP)

10.260-05 Purpose.

The Dredge Material/Mitigation Site Combining District (/DMS-FCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary Shorelands as identified in the Florence Comprehensive Plan. The purpose of the /DMS-FCP Zone is to protect designated dredge material disposal sites and mitigation sites. In addition to the requirements in this section, the requirements of the base zone, the coastal combining zone, and the adjacent estuary zone apply. Where there are conflicts among the provisions of this chapter, the stricter requirements apply. If the Shorelands are adjacent to the estuary, refer to the adjacent estuary zone for additional allowed uses and criteria. The requirements of any adjacent estuary zone supersede the requirements of this section of this chapter. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)*

10.260-10 Permitted Uses and Buildings.

In addition to uses specifically allowed in an adjacent estuary zone, the following uses are permitted outright, provided they are consistent with the requirements of the adjacent estuary zone, the coastal combining zone, and subject to the criteria below and in LC 10.260-15 and -20:

(1) **Dredged Material Deposition.** Dredge disposal is limited to those sites specifically identified for dredged material disposal in the Lane County Dredged Material Disposal Plan, as amended.

(2) The use of Mitigation Sites for disposal of dredged materials is expressly prohibited.

(3) **Mitigation.** Mitigation is limited to those sites specifically identified as mitigation sites in the Lane County Dredged Materials Disposal Plan, as amended. Mitigation must comply with the criteria in LC 10.260-15. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 6-83, 4.15.83)*

10.260-15 Dredging and Mitigation Site Criteria.

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

(2) When dredge or fill activities are permitted in intertidal or tidal marsh areas, their effect must be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained or findings must be adopted demonstrating that it is not possible to do no.

(3) **Responsibility to Acquire Mitigation/Restoration Sites:** The County is not required to acquire sites to mitigate for actions for which other agencies are responsible, including the dredging of the navigation channel and development of the estuary. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)*

10.260-20	Lane Code	10.260-30
10.261-25	Lane Code	

10.260-20 Dredge Material Disposal Site Criteria.

(1) In order to protect the navigability of the river, sites (with the exception of designated “stockpile” sites) included in the adopted Siuslaw River Dredged Material Disposal Plan must be retained for that use until such time as the filling capacity has been reached, such determination to be based upon recommendation of the Army Corps of Engineers and other interested agencies and persons, or the site is removed from the adopted, revised Siuslaw River Dredged Material Disposal Plan. However, sites that have reached their filling capacity which can be reconfigured to accept more material must be retained. A determination that fill capacity has been reached must be based upon the recommendation of the Army Corps of Engineers and other interested agencies and persons.

(2) The re-classification of any applicable dredge material disposal site protection combining zone requires positive findings that one or both of the conditions in Criteria #1 are met, following public hearing.

(3) Stabilization of Dredged Materials: The Port of Siuslaw, the Corps of Engineers or other lead agency have the responsibility to stabilize any dredged materials deposited on a site. Stabilization must be done with appropriate vegetation after the materials are appropriately drained. These requirements for stabilization are not applicable to in- water or beach nourishment sites designed to be erosive/dispersive.

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

(5) Temporary use of dredged material disposal sites is permitted, providing no permanent facilities or structures are constructed or no man-made alterations take place which would prevent the use of the land as a disposal site, and the use is consistent with other policies contained in the Florence Comprehensive Plan and Lane Code.

(6) Dredge spoil disposal must provide adequate run-off protection and, wherever possible, maintenance of a riparian strip along the water.

10.260-25 Conditional Uses.

In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone and in the Coastal Combining Zone, the Hearings Official, subject to the procedures and conditions set forth in Lane Code 14.300, may grant a Conditional Use Permit for temporary uses permitted outright or conditionally in the base zone when found to be consistent with the requirements of the Coastal Combining Zone and adjacent Estuary Zone and the criteria below.

(1) No use is permitted that would interfere with the timely availability of sites for deposition of dredged materials.

(2) Stock pile sites must remain open and available for removal as well as deposition of dredged material.

(3) Recommendations of the Port of Siuslaw must be weighed heavily in consideration of proposed use.

10.260-30 **Lane Code** 10.260-06
~~10.261-25 Lane Code~~

10.260-30 Notification of Port of Siuslaw.

Applications for permits or actions on designated sites for dredged material disposal or mitigation/restoration require notification in writing to the Port of Siuslaw within ten (10) days of receipt of application. Application for permits or actions including, but not necessarily limited to, the following require notification:

- (1) Conditional use permit.
- (2) Special use.
- (3) Building permit.
- (4) Rezoning.

10.260-35 Responsibility to Acquire Mitigation/Restoration Sites.

The County is not required to acquire sites to mitigate for actions for which other agencies are responsible including the dredging of the navigation channel and development of the estuary.

10.260-40 Stabilization of Dredged Materials.

The Port of Siuslaw, the Corps of Engineers or other lead agency have the responsibility to stabilize any dredged materials deposited on a site. Stabilization must be done with appropriate vegetation after the materials are appropriately drained.

~~**SHORELANDS MIXED DEVELOPMENT COMBINING DISTRICT (/MD)**~~

~~**10.260-05 Purpose.**~~

~~The Mixed Development Combining District (/MD) is applied to those coastal shorelands which are recognized in the Lane County Comprehensive Plan and supportive technical data as being all or partially committed to commercial and industrial uses. The proximity of these lands to the dredged channel of the Siuslaw River dictates that they be preserved for the expansion of existing water dependent and water related commercial or industrial uses, provided such uses cannot be accommodated within the urbanizable or urbanized area of the City of Florence.~~

~~_____ The /MD District provides a procedure by which to define the exact geographical boundaries of the shoreland within the /MD District that require protection beyond that provided by the District or Districts with which the /MD is combined, and imposes additional development requirements within those boundaries.~~

~~_____ In addition, the /MD District is specifically intended to carry out the following purposes:~~

~~_____ (1) Provision, adjacent to deep water environments, or shoreland sites for use by water dependent and water related commercial and industrial uses.~~

~~_____ (2) Protection of previously existing water dependent and water related commercial and industrial sites in shoreland areas.~~

~~_____ (3) Provision of opportunities for nonwater dependent or nonwater related uses within the parameters of the County Comprehensive Plan and statewide planning requirements.~~

~~_____ (4) Protection of coastal waters and avoidance of geologic and hydrologic hazards. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

10.260-06 **Lane Code** 10.260-15
~~10.261-25 Lane Code~~

~~**10.260-06 Intent.**~~

~~The requirements imposed by the /MD District shall be in addition to those imposed by the respective District or Districts with which the /MD District is combined. Where the requirements of the /MD District conflict with the requirements of the District or Districts with which it is combined, the more restrictive requirements shall apply. Nonwater-dependent or nonrelated uses shall only be allowed if the parcel in question has been demonstrated unsuited for water dependent or water related uses. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

~~**10.260-10 Permitted Uses.**~~

~~In areas found subject to the requirements of the /MD Combining District by the Preliminary Investigation specified by LC 10.260-45 below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in section~~

- ~~———— (1) The following boat moorage and storage facilities:
 - ~~———— (a) Dry land storage.~~
 - ~~———— (b) Shore-secured floating moorage facilities, mooring buoys, piling-type piers and launch ramps provided such facilities are located within adjacent Development Estuarine (DE) District or a lake.~~~~
- ~~———— (2) The three wood processing facilities identified and found to be water dependent in the Coastal Goals Compliance Report element of the Lane County Comprehensive Plan. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.260-15 Special Uses Approved by the Planning Director.**~~

~~If found subject to the requirements of the /MD District based on the results of the Preliminary Investigation specified by LC 10.260-45 below, the following specified uses and no others are permitted subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria:~~

- ~~———— (1) (a) Uses.
 - ~~———— (i) Water dependent and water-related commercial and industrial uses outside of urban and urbanizable areas.~~
 - ~~———— (b) Conditions and Criteria:
 - ~~———— (i) Uses cannot be accommodated within an urban or urbanizable area.~~
 - ~~———— (ii) The site has the potential for water dependent and water-related uses.~~
 - ~~———— (iii) Short term economic gain or convenience in development shall be evaluated in relation to potential long term effects on the estuary and shoreland, as well as the long term economy of the area.~~
 - ~~———— (iv) Visual attractiveness of design and layout is considered.~~
 - ~~———— (v) Maintain or encourage riparian vegetation for erosion control, bank stabilization, maintenance of water quality and temperature and general aesthetics where feasible.~~~~~~
- ~~———— (2) (a) Uses.
 - ~~———— (i) New single family dwelling units and mobile homes or other residential units and accessory buildings as allowed in the underlying zoning Districts outside of urban and urbanizable areas.~~~~

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~~10.261-25 Lane Code~~

~~(b) Criteria and Conditions:
(i) The parcel is unsuited to water dependent or water related uses.
(ii) All requirements set forth in LC 10.260-30, 40, and 45 below are met.
(3) (a) Uses. The following moorage facilities attached or connected to the shorelands and located in other than a Development Estuary (DE) District or a lake:
(i) Public or commercial piling type docks or piers.
(ii) Private, multifamily or multiuse piling type docks or piers.
(iii) Mooring buoys which are permanently anchored to the estuary floor.
(iv) Dolphins.
(b) Criteria.
(i) The moorage facility meets the requirements of the respective Estuarine District.
(ii) The use is not in violation of the purposes of the respective District or Districts with which the /MD is combined.
(4) (a) Uses.
(i) All permitted buildings and uses allowed in the respective District with which the /MD District is combined, except as may be provided otherwise by the provisions of LC 10.260-10, 15, 20, and 25 above and below.
(b) Criteria and Conditions:
(i) The use is water dependent or water related, or if the parcels are unsuited to water dependent uses, then uses which are nondependent, nonrelated, conforming to the requirements of the underlying zoning District and the requirements of LC 10.260-10, 15, 20, and 25 above and below. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-83, 9.14.83)~~

10.260-20 Special Uses Approved by the Hearings Official.

~~If found subject to the requirements of the /MD District based on the results of the Preliminary Investigation specified by LC 10.260-45 below, the following specified uses and no others are permitted subject to approval by the Hearings Official pursuant to LC 14.300, upon satisfaction of all applicable criteria:~~

~~(1) (a) Uses.
(i) Artificial bank stabilization.
(b) Criteria.
(i) Natural erosion processes threatening a water dependent use(s), or threatening nonwater dependent or nonwater related uses where it has been demonstrated that the parcel is unsuited for water dependent or water related uses.
(ii) Natural bank stabilization methods are deemed unfeasible or less appropriate.
(2) (a) Uses.
(i) Filling coastal lakes or estuary adjacent to /MD.
(b) Criteria and Conditions.
(i) Cumulative effects of all such fills shall be considered.
(ii) The fill is required to protect a water dependent use from erosion.~~

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~~10.261-25 Lane Code~~

~~(iii) All requirements set forth in LC 10.260-30(2) and (3), 40, and 45 below apply.~~

~~(iv) If the fill meets the requirements of the respective Estuarine District and the requirements of State and Federal agencies.~~

~~(3) (a) Uses.~~

~~(i) All buildings and uses permitted conditionally or by special use permit in the respective District or Districts with which the /MD District is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by LC 10.260-25 below.~~

~~(b) Criteria.~~

~~(i) The use is water dependent or water related or, if the parcel/s are unsuited to water dependent uses, then uses which are nondependent, nonrelated, conforming to the requirements of the underlying zoning District and the requirements of LC 10.260-10, 15, 20, and 25 above and below. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 16-83, 9.14.83; 7-91, 6.5.91)~~

~~10.260-25 Determination of Land Suitable for Water-Dependent/Water-Related Uses.~~

~~The following criteria shall be used to determine the suitability of land found subject to the requirements of the /MD District, based on the results of the Preliminary Investigation, for water dependent, water related uses. Land not possessing one or more of the following characteristics shall be considered unsuitable for such uses:~~

~~(1) Land adjacent to deep water close to shore with supporting land transport facilities suitable for ship and barge facilities.~~

~~(2) Aquaculture suitability.~~

~~(3) Protected areas adjacent to shore subject to scour which would require little dredging for marina use.~~

~~(4) Potential for high intensity recreational use of water body and existing riparian resources. Such areas include those areas used traditionally for high intensity recreation or exceptional aesthetic resources. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.260-30 Site and Development Requirements.~~

~~If found subject to the requirements of the /MD District based on the results of the Preliminary Investigation specified by LC 10.260-45 below, the below specified development requirements shall be in addition to those provided by the respective District or Districts with which the /MD is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective District with which the /MD is combined, shall conform to Oregon Forest Practices Act rules.~~

~~(1) Riparian vegetation shall be maintained or encouraged to promote bank stabilization, maintain water quality and temperature, reduce erosion and for general aesthetics, except where unfeasible in connection with a water dependent or water related use.~~

~~(2) The applicant must submit a complete analysis of all physical and biological impacts upon the shorelands area and upon coastal waters and water resources. The report shall consider at a minimum the critical relationships which exist between~~

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~~coastal shorelands and coastal water resources and the potential for geological and hydrological hazards.~~

~~(3) The benefits of the proposed activity to the long term economic development or improved public recreational use shall outweigh the negative impacts on water quality, temperature and resources, bank stabilization, erosion control and general aesthetics.~~

~~(4) Where public ownerships in the form of existing rights of way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights of way. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)~~

~~10.260-40 Special Land Division Requirements.~~

~~The following criteria shall be met for land divisions on property within the /MD District based on the Preliminary Investigation in LC 10.260-45 below. These criteria are in addition to minimum area requirements of any District combined with the /MD District.~~

~~(1) For lands within urban or urbanizable areas or lands developed or committed to development:~~

~~(a) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.~~

~~(2) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, plus the following:~~

~~(a) There is a need which cannot adequately be accommodated on non-shoreland locations.~~

~~(b) There is a lack of suitable shoreland locations within urban or urbanizable areas or within areas developed or committed to development. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 7-91, 6.5.91)~~

~~10.260-45 Preliminary Investigation.~~

~~Any proposal for development within the /MD District shall require a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the /MD District shall apply. The requirements of the /MD District shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.~~

~~(1) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:~~

~~(a) Floodways and floodway fringe.~~

~~(b) Land lying between the mean high, high water and mean low water mark of coastal water bodies.~~

~~(c) Dikes, dams, levees or steep embankments which control the coastal water body.~~

~~(d) Lands along the ocean coast at or below the 26 foot elevation line.~~

~~(2) Adjacent areas of geologic instability which are composed of:~~

~~(a) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.~~

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~~10.261-25 Lane Code~~

~~(b) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.~~

~~(c) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD District LC 10.270 would be inadequate to protect water quality, water temperature or shoreline stability.~~

~~(3) Natural or man-made riparian resources. These lands are as follows:~~

~~(a) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:~~

~~(i) Shading of coastal water body.~~

~~(ii) Stabilization of shoreline.~~

~~(iii) Habitat for rare or endangered wildlife species.~~

~~(iv) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.~~

~~(4) Areas of significant shoreland and wetland biological habitat, composed of:~~

~~(a) Freshwater marshes identified in the Lane County Comprehensive Plan.~~

~~(b) Areas currently identified by Nature Conservancy and included in the Lane County Coastal inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.~~

~~(c) Habitat, other than that listed in 3(a)(iii) above, which supports rare or endangered species.~~

~~(5) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Comprehensive Plan.~~

~~(6) Areas identified in the Lane County Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with Coastal water areas.~~

~~(7) Coastal headlands, identified in the Lane County Coastal Inventory. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.260-50 Fees for Preliminary Investigation.~~

~~To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.260-55 Notification of Preliminary Investigation Determination.~~

~~The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /MD District, and shall set forth the basis. For the determination based on the criteria specified in LC 10.260-45 above. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)~~

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10.260-60 **Lane Code** 10.261-10 Identification of

~~10.261-25 Lane Code~~

~~10.260-60 Appeal to Hearings Official.~~

~~An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 13-82, 7.9.82; 16-83, 9.14.83)~~

~~10.260-70 Uses Subject to State and Federal Permits.~~

~~———— (1) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.~~

~~———— (2) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.~~

~~———— (3) Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.~~

~~———— (4) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

~~10.260-75 Application of District to Federal Lands.~~

~~The application of the /MD District shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

SPECIAL DEVELOPMENT STANDARDS (FCP)

10.261-05 Purpose.

The purpose of this Section is to apply additional development standards to areas with potential natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water within the Florence Interim Urbanizing Area. Compliance with these standards is required in order to obtain a Special Use Permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands.

10.261-10 Identification of Potential Problem Areas.

At minimum, the following maps must be used to identify potential problem areas within the Florence Interim Urbanizing Area:

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- (1) "Soils Map", Florence Comprehensive Plan Appendix 7.
- (2) "Beaches and Dunes Overlay Zone." See LC 10.265 and 10.270 for combining zone requirements. Where conflicts exist between those requirements and these, the more restrictive requirements must apply.
- (3) Other information made available may also be used to identify potential problem areas.

10.261-15 Development Standards.

The following standards apply to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in one of the above maps does not in fact exist on the subject property. These standards apply in addition to any standards required in the Zoning District and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards and other Code requirements, the strictest provisions apply unless stated otherwise.

(1) **Special Flood Hazard Area:** All uses proposed in the flood area must conform to the provisions of the National Flood Insurance Programs.

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

(3) **Active Dune Advancing Edge:** No building is permitted within one hundred feet (100') of the leading edge of an active dune, except by the Director approval where it can be shown by accepted engineering practices or treatment, or a County approved mitigation plan that no significant sand hazards are likely to occur. Applicant must demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant must also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the North Florence sole source aquifer or wildlife.

(4) **Ocean Flooding, Tidal Flooding, Tsunami:** (See above, Special Flood Hazard Area).

(5) **Slopes Greater than Twelve Percent:** For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the County and addressing drainage and revegetation.

(6) **Active Dune Sands:** Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, except where vegetative stabilization is prohibited on the property of State or Federal agencies, and it can be shown by accepted engineering practices or treatment, or a County approved mitigation plan that no significant sand hazards are likely to occur. Applicant must demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant must also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent

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property, the North Florence sole source aquifer or wildlife. Stabilization may be required prior to development in cases where there are large unstabilized areas.

(7) **Brallier and Heceta Soils:** In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.

(8) **Yaquina Soils and Wet Areas:** In areas with seasonal standing water, construction of a drainage system and/or placement of fill material must be required according to plans prepared by a registered engineer and approved by the County.

10.261-20 Site Investigation Reports (SIR).

(1) **Areas identified LC 10.261-10 and -15 above,** are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) may be issued except with affirmative findings that:

(a) Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or

(b) As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas.

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

(2) **Permit Fee:** A fee to offset the cost of time required to investigate and prepare findings may be set by Lane County.

(3) **General Requirements for Phase II Site Investigation Reports** include at least the following information. Additional information, commensurate with the level of hazard and site conditions must be submitted.

(a) **Identification of potential hazards to life, proposed development, adjacent property, and the natural environment** which may be caused by the proposed development.

(b) **Mitigation methods for protecting the subject property and surrounding areas from each potential hazard.**

(c) **Acceptable development density.**

(d) **Identification of soils and bedrock types.**

(e) **Identification of soil depth.**

(f) **Water drainage patterns.**

(g) **Identification of visible landslide activity in the immediate area.**

(h) **History of mud or debris flow.**

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(i) In areas prone to landslide, mudflow and where slopes exceed 25%, reports must identify the orientation of bedding planes in relation to the dip of the surface slope.

(j) Recommendations for removal, retention, and placement of trees and vegetation.

(k) Recommendations for placement of all structures, onsite drives, and roads.

(l) Recommendations for protecting the surrounding area from any adverse effects of the development.

(4) Specific Standards for Phase II Site Investigation Reports will be determined on the basis of the information provided in the Phase I Site Investigation Report. At a minimum, specific standards must address the following (may include more than one category listed below):

(a) The SIR Phase II - Geologic Report must follow the "Guidelines for Preparing Engineering Geologic Reports in Oregon" as adopted by the Oregon State Board of Geologist Examiners or must meet the requirements for Site Investigation Reports as required by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The SIR Phase II – Geologic Report must address the following:

(i) An explanation of the site and scope of the study area (e.g. subdivision, specific lot, or for public improvements)

(ii) An explanation of the degree to which the condition affects the property use in question;

(iii) An explanation of the measures to be employed to minimize detrimental impacts associated with the condition;

(iv) An explanation of the condition-associated consequences the development and the loss-minimizing measures will have on the surrounding properties.

(b) SIR Phase II dealing with Beach or Dune areas must include the items as listed in the OCZMA Handbook, Implementation Techniques, Section III that begins on page 7.

(i) Due to the sandy soils and the fragile nature of the vegetative covering, care must be taken during any proposed construction in beaches and dune areas to minimize the amount of grading, excavation, removal of trees and other native vegetation in order to insure the stability of the soils.

(ii) All open sand area (pre-existing or newly created) must be planted or stabilized as soon as practicable after construction is completed.

(iii) Using accepted re-vegetation techniques, sand areas must be returned to their previous level of stability or to at least a conditionally stable level, following completion of construction. For large parcels or tracts, stabilization of the entire area may not be necessary as determined after consideration of a Site Investigation Report.

(iv) During extended construction periods, temporary sand stabilization measures must be employed to minimize sand movement and erosion caused by the removal of groundcover and soil.

(c) Slopes in the 12% to 25% range: Determine the presence of soil creep, fills, or signs of past instability. If hazards are present, engineering

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recommendations must be provided. If conditions require recommendations for foundation construction outside of the Building Code, those recommendations must be provided by an appropriately qualified professional engineer. If thorough examination of the site determines that no hazards are present, documentation by an appropriately qualified professional.

(d) Slopes greater than 25%:

(i) Subsurface exploration of areas above, below, and alongside known or suspected slides

(ii) Accurate identification and measurement of the limits of the slide mass

(iii) Identification of the stability of the slide mass and the mechanics of slide movement.

(iv) Identification of the orientation of bedding planes in relation to the dip of the surface slope

(v) A site specific grading and erosion control plan for site stabilization and construction

(vi) The methodology for determining the site stabilization plan

(vii) Recommendation of suitable setbacks, keeping in mind the anticipated life of the structure or development.

(e) Foredunes:

(i) Identification of a surveyed mean high tide line

(ii) Determination of the ocean shore vegetation line

(iii) Average annual rate that the shoreline is projected to migrate landward due to climate change (sea level rise, feet/year and increased storm intensity) and methodology used.

(iv) Historic stability of beaches in the general area

(v) Life expectance of the structure

(vi) Elevation of the structure

(vii) Projected dune stabilization to protect site from wave action and methodology

(viii) History and projection of ocean flooding and methodology

(f) Properties along the Siuslaw River Estuary:

(i) Angle of repose for bluff material

(ii) Mean high tide, and highest measured tide

(iii) Extent of recent and historical cutbank, length of area and height of cut

(iv) Area of wave overtopping and furnish photographs or other evidence

(v) Current and historic stability of riverbank and rates of erosion in general area.

(vi) Projected rate of erosion and methodology

(vii) Environmental resources present

(viii) Impacts to be expected

(ix) Description and photographs of current vegetation

(g) Riprap or other Shoreland protective structures:

(i) Signed certification by the engineer or geologist that the protective structure will withstand the life of the development that it is protecting;

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or with the property maintenance plan, the structure will withstand the life of the development.

(ii) Once the protective structure is completed the engineer or geologist must provide a final summary that the protective structure was built according to the submitted plan.

(h) Soils: The Site Investigation Report must address the following development constraints for the soil types.

(i) Brallier - These are wetlands which should not be developed due to their resource value and severe development constraints.

(ii) Dune Land - Development limitations on sand dunes can be slight to severe, depending on slope and whether adequate stabilization is done. These areas are superior to some of the other soil types in that there is no drainage problem. These areas are also known to include active sand dunes. Dune stabilization techniques should be addressed.

(iii) Heceta - These are interdunal swales and deflation plains. The high water table and poor drainage make these soils generally unsuitable for development.

(iv) Waldport - These are sand dunes which are covered with stabilization vegetation. Conditions are moderate to severe, depending on slope. The particular need here is to preserve existing vegetation and to stabilize soil which is disturbed. Drainage is not a problem. Areas with slopes greater than 12% should not be built on unless a site investigation determines the site to be buildable.

(v) Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.

(vi) Netarts - These are old stabilized dunes. Soils are well-drained. The topography is undulating to hilly. Where slopes are less than 12% there are few development restrictions.

(vii) Bohannon; Preacher/Bohannon/Slickrock - These areas have no restrictions except slope and suitability for forestland. They occur east of Munsel Lake Road in areas which are largely unbuildable due to slope.

10.261-25 Review and Use of Site Investigation Reports.

(1) The Phase I Site Investigation Report will be reviewed administratively. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Special Use Permit will be required.

If a Phase II Site Investigation Report is required, the Phase II conclusions must be submitted for Director review.

(2) Required Certifications and Inspections: For any Phase II SIR submitted, the registered professional of record must:

(a) Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.

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(b) Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans.

(c) Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.

(3) Conditions of approval may be imposed and/or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects such as erosion, sand encroachment, destruction of desirable vegetation including inadvertent destruction by moisture loss or root damage, spread of noxious weeds, damage to archaeological resources, are mitigated or eliminated.

(4) Approval: The property owner must record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and must state, "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the Lane Code current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project."

**~~DREDGE MATERIAL/MITIGATION SITE COMBINING DISTRICT
(/DMS) FLORENCE BEACHES AND DUNES COMBINING ZONE
ADMINISTRATION~~**

10.265-05 Geographic Extent.

Coastal areas within the Florence Urban Growth Boundary subject to this section include beaches, active foredunes, and other foredunes which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. These areas, as they apply within the Urban Growth Boundary are shown on the official Lane County Coastal Zoning Maps.

~~Purpose.~~

~~The Dredge Material/Mitigation Site Combining District (/DMS) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary as identified in the Lane County Comprehensive Plan. The purpose of the /DMS District is to ensure that sites designated for use for dredged material disposal or mitigation are not developed in a manner which would preclude that use. The /DMS District may only be applied, where appropriate, in combination with the three Estuary Districts (NE, CE, or DE), or with the Significant Natural (/SN), Natural Resources Conservation (/NRC), Residential Development (/RD) and Mixed Development (/MD). Shoreland Combining Districts and the underlying zoning Districts with which the shoreland Districts are combined. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

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10.265-10 Policy Basis.

The Beaches and Dunes Combining Zone (/BD-FCP) implements policies in the Florence Comprehensive Plan.

~~Permitted Uses and Buildings:~~

~~———— (1) Farm uses as allowed in the respective District or Districts with which the /DMS District is combined.~~

~~———— (2) Propagation and harvesting of forest products as allowed in the respective District or Districts with which the /DMS District is combined.~~

~~———— (3) Dredged material deposition provided however such activity is limited to sites identified for that purpose in the Siuslaw River Dredged Material Disposal Plan.~~

~~———— (4) Activities in conjunction with a mitigation plan approved by the Division of State Lands provided however such activities are limited to sites identified for that purpose by the Coastal Resources Management Plan. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 6-83, 4.15.83)~~

10.265-15 Site Investigation Report.

All land use and development permit reviews in an area where the Beaches and Dunes Overlay Zone applies must meet the requirements for a Site Investigation Report in LC 10.265 and the requirements in the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast unless specifically exempted in this code.

~~Special Uses Subject to Further Review:~~

~~Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted in the underlying zone are subject to approval of the Planning Director as provided for in LC 10.316 based on the criteria below. All uses which are Conditional or Special Uses in the underlying zone are subject to approval of either the Planning Commission or the Hearings Official (whichever body hears the Special Use) as provided for in LC 10.317 and 10.318 based on the criteria below. The following criteria apply to review of a use in the /DMS District.~~

~~———— (1) The proposed use is temporary in nature or design and will be removed if or when the site is required for the purposes of this district; or~~

~~———— (2) The proposed use is designed or sited on the parcel so as not to limit or preclude future use of the parcel for dredged material disposal as indicated in the Siuslaw River Dredged Material Disposal Plan, or for a potential mitigation project. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

10.265-20 Consultant's Reports.

Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein; the application may be required to submit a supplementary report containing findings prepared by engineer, geologist, biologist, or other qualified consultant.

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Stabilization of Dredged Materials.

~~It shall be the responsibility of the party depositing dredged materials on a site to stabilize the site with appropriate vegetation when the materials are adequately drained. (Revised by Ordinance No. 13-82, Effective 7.9.82)~~

10.265-25 Uses Subject to State and Federal Permits.

(1) When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the City for the determination that applicable criteria are satisfied.

(2) Applicants must provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

(3) Any use authorized by the provisions of this Combining Zone must also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(4) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department

~~Responsibility to Acquire Mitigation/Restoration Sites.~~

~~It shall not be the responsibility of Lane County to acquire for use sites to mitigate for actions for which other agencies or persons are responsible, including the dredging of the navigation channel and development of the estuary. It shall also not be the responsibility of Lane County to acquire sites for restoration to the estuary. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82)~~

10.265-30 Relationship to Base Zones.

The requirements of the Beaches and Dunes Combining Zone are in addition to those imposed by the zone or zones with which it is combined. If the /BD-FCP zone conflicts with the requirements of zone or zones with which it is combined, the more restrictive requirements apply.

BEACHES AND DUNES COMBINING ~~DISTRICT-ZONE~~ (/BD-FCP)

10.270-05 Purpose.

The Beaches and Dunes Combining ~~District-Zone-Florence Comprehensive Plan~~ (/BD-FCP) is intended to: ~~be used in conjunction with the underlying zoning District in all coastal beach and dune areas in order to:~~

(1) Ensure the protection and conservation of coastal beach and dune resources.

(2) To prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.

(3) To provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.

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(4) To prevent cumulative damage to coastal dune resources due to the incremental effects of development.

(5) To provide for such protection of beach and dune resources above and beyond that provided by the ~~underlying zoning District~~**zone or zones with which it is combined.** (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

10.270-0610 Prohibited Development.Intent.

~~The requirements imposed by the /BD District shall be in addition to those imposed by the underlying zoning District. Where the requirements of the /BD District conflict with those of the underlying zoning District, the more restrictive requirements shall apply. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

(1) Residential, commercial, and industrial development is prohibited on beaches, active foredunes, on other foredunes which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding identified on the Official Lane County Coastal Zoning Maps and as further defined through a Phase I Site Investigation Report. Any other development requires a conditional use permit per LC 10.270-20.

(2) All development on slopes in excess of 25%.

(3) Buried fuel tanks.

10.270-1015 Permitted Uses.

~~All permitted buildings and uses allowed in the respective District with which the /BD District is combined, except as may be provided otherwise by the provisions of LC 10.270-10, 15 and 20 below.No uses permitted outright in this Combining Zone.~~
(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

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~~Lane Code~~

10.270-1520 Conditional Uses. ~~Special Uses Approved by the Hearings Official. The following specified uses or activities and no others, subject to approval by the Hearings Official, pursuant to LC 14.300, upon satisfaction of the applicable criteria.~~

~~(1) (a) Uses.~~

~~(i) Buried fuel tanks.~~

~~(b) Criteria.~~

~~(i) The tanks are entirely free of leaks and have an impermeable coating.~~

~~(ii) The tank is located, to the greatest extent feasible, in a well-drained area.~~

~~(iii) The tank is not located in active fore dunes, on other conditionally stable foredunes which are subject to ocean undercutting or wave overtopping, and on deflation plains subject to ocean flooding.~~

~~(2) (a) Uses.~~

~~(i) Commercial removal of sand.~~

~~(b) Criteria.~~

~~(i) The area is not an ocean beach.~~

~~(ii) Historic surplus accumulations of sand exist.~~

~~(iii) A Site Investigation Report, as specified by LC~~

~~10.270-45 below is conducted.~~

~~(iv) Removal of surplus sand can be accomplished without significant impairment of the natural functions of the beach and dune system, and hydraulic processes according to the Site Investigation Report.~~

~~(3) (a) Uses.~~

~~(i) Foredune breaching.~~

~~(b) Criteria and Conditions.~~

~~(i) The breaching is required to replenish sand supply in interdune areas; or~~

~~(ii) Emergencies on a temporary basis.~~

~~(iii) Such breaching does not endanger existing~~

~~development.~~

~~(iv) The breaching does not adversely impact critical wildlife habitat.~~

~~(v) The areas affected by the breaching are restored.~~

~~(4) (a) Uses.~~

~~(i) Commercial drift log removal from beaches.~~

~~(b) Criteria.~~

~~(i) The removal will result in significant public benefit, improved recreational access, improved scenic values, or protection of wildlife habitat.~~

~~(ii) The removal will not result in increased beach or foredune erosion which will endanger existing development.~~

~~(5) (a) Uses.~~

~~(i) Beachfront protective structures.~~

~~(b) Criteria.~~

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~~(i) The structure is to protect development existing on January 1, 1977.~~

~~(ii) Visual impacts are minimized.~~

~~(iii) Public access is preserved.~~

~~(iv) Negative impacts on adjacent property are minimized.~~

~~(v) Long term or recurring costs to the public are avoided.~~

~~(6) (a) Uses.~~

~~(i) Jetties on beach areas.~~

~~(b) Criteria.~~

~~(i) Adverse impacts on existing beach and shoreline development are minimized.~~

~~(ii) Public need is demonstrated.~~

~~(7) (a) Uses.~~

~~(i) All buildings and uses allowed conditionally or by special use approval in the respective District with which the /BD District is combined, except as may be provided otherwise by the provisions of LC 10.270-10, -15 and -20 above and below.~~

~~(b) Criteria and Conditions.~~

~~(i) Applicable criteria provided within the respective District with which the /BD District is combined.~~

~~(ii) All other provisions of this section. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 13-82, 7.9.82; 6-83, 4.15.83; 16-83, 9.14.83)~~

Development other than that identified in LC 10.270-10 is allowed in the zone with which the /BD-FCP zone is combined, subject to approval by the Hearings Official, upon satisfaction of all of the following criteria.

(1) Affirmative findings are adopted demonstrating that the proposed development is:

(a) adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and

(b) designed to minimize adverse environmental effects.

(2) The type of use is consistent with the purpose of this Combining Zone;

(3) The use will have minimal adverse effects on the site and adjacent areas;

(4) Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation meet the requirements of this Code;

(5) The proposal includes proven methods for protecting the surrounding area from any adverse effects of the development; and

(6) No hazards to life, public and private property, and the natural environment may be caused by the proposed use.

(7) Archaeological resources and other resources identified in the Florence Comprehensive Plan Chapters 5, 16, and 17, and respective inventories and studies must be protected.

(8) Erosion must be minimized that is caused by the destruction of desirable vegetation, including inadvertent destruction by moisture loss or root damage; the exposure of stable and conditionally stable areas to erosion; and

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construction of shore structures which modify current or wave patterns leading to beach erosion.

(9) Groundwater must be protected from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies.

(10) Sand removal is prohibited in the foredune area of the beach except that foredunes may be breached only to replenish sand supply in interdune areas, or, on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards), and only if the breaching and restoration after breaching is consistent with sound principles of conservation.

(11) Due to the sandy soils and the fragile nature of the vegetative covering, care must be taken during any proposed construction in beaches and dune areas to minimize the amount of grading, excavation, removal of trees and other vegetation in order to insure the stability of the soils. All open sand area (pre-existing or newly created) must be planted or stabilized as soon as practicable after construction is completed. Using accepted re-vegetation techniques, sand areas must be returned to their previous level of stability, following completion of construction. For large parcels or tracts, stabilization of the entire area may not be necessary as determined after consideration of a Site Investigation Report.

(12) During extended construction periods, temporary sand stabilization measures must be employed to minimize sand movement and erosion caused by the removal of groundcover and soil.

(13) Permits for beachfront protective structures may be issued only where development existed on January 1, 1977. "Development" in this context refers to houses, commercial and industrial buildings and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where a Statewide Planning Goal 18 exception to the requirement in Code Section B.1. has been approved. The proposed use must meet all of the following additional criteria:

- (a) Visual impacts are minimized
- (b) Necessary access to the beach is maintained
- (c) Negative impacts on adjacent property are minimized
- (d) Long-term or recurring costs to the public area avoided.

~~10.270-20 Prohibited Development Areas.~~

~~No development, with the exception of minimal development, shall be permitted on the following dune landforms:~~

- ~~—— (1) Beaches, except as provided for in LC 10.270-15 above.~~
- ~~—— (2) Foredunes if subject to wave overtopping or ocean undercutting.~~
- ~~—— (3) Active dune forms.~~
- ~~—— (4) Nearshore deflation plain.~~

~~The prohibition of development of active dune areas is not intended to prohibit the stabilization of open sand areas with appropriate pioneer and successional species, thereby removing these lands from the active dune classification. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

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~~**10.270-25 Uses Subject to State and Federal Permits.**~~

~~———— (1) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.~~

~~———— (2) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special permit review.~~

~~———— (3) Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~**10.270-3025 Coastal Shore Setback Requirements.**~~

~~Any development, with the exception of development provided for as special uses in LC 10.270-15 above, which is permitted adjacent to ocean beaches must be set back from the mean high tide line a minimum of 50 feet measured horizontally. This setback may be increased if the preliminary investigation indicates hazard to the site due to:~~

~~———— (1) Low elevation of the site with respect to potential for wave action.~~

~~———— (2) Instability of dune landforms protecting the site from wave action.~~

~~**Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback is determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. At a minimum, structures must be set back from the mean high tide line at least 100 feet measured horizontally. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)**~~

~~**10.270-3530 Additional Site and Development Requirements.**~~

~~The following requirements apply to all development ~~except the harvesting of timber as allowed by the District with which the /BD District is combined.~~ Timber harvesting activities shall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas.:~~

~~(1) Development ~~shall not~~ **must not** result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, **septic requirements, and** fire safety requirements ~~and the required septic and sewage disposal system.~~~~

~~(2) Vegetation-free areas which are suitable for development ~~shall~~ **must** be used instead of sites which must be artificially cleared.~~

~~(3) Areas cleared of vegetation during construction ~~in excess of those indicated in LC 10.270-35(1) above~~ **shall must** be replanted within nine months of the termination of major construction activity.~~

~~(4) Sand stabilization ~~shall be~~ **is** required during all phases of construction ~~and post construction as specified by standards set forth in the Lane Manual.~~~~

~~(5) Development ~~shall~~ **must** result in the least topographic modification of the site as is possible.~~

~~(6) **Slopes in excess of 25 percent shall be prohibited from development.**~~

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~~(7)~~ Significant structural loads or structural fills to be placed on dune areas where, based on the ~~Development Hazards Checklist~~ **Site Investigation Report**, compressible subsurface areas are suspected, ~~shall be~~ allowed only after a thorough foundation check and positive findings are reported.

~~(8)~~ The requirements for yards, setback, area, vision clearance and parking spaces ~~shall be~~ as provided in the ~~respective District~~ **zone** with which the ~~/BD-FCP District~~ is combined unless specifically provided otherwise by the provision of the ~~/BD-FCP Zone District~~. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

~~10.270-40 Area Requirements.~~

~~The minimum area for the division of land may be increased where the requirement otherwise is insufficient to meet the following standards:~~

~~(1) Environmental Quality Commission nitrate nitrogen loading standards for subsurface sewage disposal.~~

~~(2) No more than five percent impermeable surface shall be allowed. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.270-45 Preliminary Investigation Required.~~

~~Any proposal for development, with the exception of minimal development or timber harvesting activities as permitted by the respective District with which the /BD District is combined, shall require a preliminary investigation (Development Hazards Checklist) by the Planning Director to determine:~~

~~(1) The dune landform/s present on the site.~~

~~(2) Hazards associated with the site.~~

~~(3) Hazards presented by adjacent sites.~~

~~(4) Existence of historical or archeological sites.~~

~~(5) Existence of critical fish or wildlife habitat as identified in the Lane County Coastal Inventory or sites identified by Nature Conservancy.~~

~~(6) Potential development impacts including cumulative impacts.~~

~~(7) If a full or partial Site Investigation Report shall be required, the form of the Development Hazard Checklist is as specified by the Lane Manual. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.270-50 Fee for Preliminary Investigation.~~

~~To partially defray the expense in performing the preliminary investigation, a fee to be based on the scale of the development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.270-55 Site Investigation Reports (SIR).~~

~~The preliminary staff investigation (Development Hazard Checklist) shall determine if a Site Investigation Report is required and, if so, what components of the SIR must be completed. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.270-60 Notification of SIR Requirement.~~

~~The Planning Director shall notify the applicant of the results of the preliminary investigation and if a SIR shall be required. The notification shall be by mail within 10~~

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~~days of completion of the preliminary investigation. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)~~

~~10.270-65 Responsibility for SIR Preparation.~~

~~Preparation of the SIR is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.270-70 Qualifications for SIR Preparation.~~

~~The SIR shall be prepared by a person or team of persons qualified by experience, training and education to analyze data on the physical conditions in a coastal dune area. The applicant shall either:~~

- ~~_____ (1) Choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Environmental Management and approved by the Board of County Commissioners; or~~
- ~~_____ (2) Designate a person or team of persons to prepare the SIR with said persons' qualifications subject to the approval of the Planning Commission based on standards established by the Board of County Commissioners. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.270-75 Contents of SIR.~~

~~The contents of the Site Investigation Report are specified in the standard SIR document as set forth in the Lane Manual. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.270-80 Conditions Imposed Based on SIR Recommendations.~~

~~Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development for the purposes of safety, health, welfare and in keeping with the purpose of the /BD District. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

~~10.270-85 Appeal to Hearings Official.~~

~~An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, or the imposition of conditions based on the SIR, and the manner for such an appeal shall be as provided by LC 14.500. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 13-82, 7.9.82; 16-83, 9.14.83)~~

~~10.270-90 Applicable Geographical Features.~~

~~The /BD District is applied to all coastal beach and dune landforms as specified in the Lane County Comprehensive Plan. These are:~~

- ~~_____ (1) Beaches.~~
- ~~_____ (2) Foredunes.~~
- ~~_____ (3) Active dune forms.~~
- ~~_____ (4) Recently stabilized dune forms.~~
- ~~_____ (5) Older stabilized dune forms.~~
- ~~_____ (6) Interdune forms.~~

~~The boundaries of the /BD District are shown on the Lane County zoning maps as specified by LC 10.315-90. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~

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~~10.270-95 Application of District to Federal Lands.~~

~~The application of the /BD District shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. (Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)~~