

This Ordinance becomes effective 30 days from the date set forth herein or upon the adoption of an Order adopting Findings of Fact and Conclusions of Law concerning the action, whichever comes last.

ENACTED THIS 9th day of JUNE, 1982.

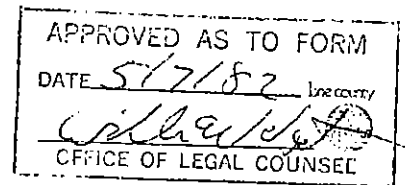


Chairman, Lane County Board of
Commissioners



Recording Secretary for this Meeting
of the Board

Page 2 of 2



In the Matter of Amending Chapter 10 of Lane Code to Amend Natural Estuary District, Conservation Estuary District, Development Estuary District, Significant Natural Shorelands Combining District, Prime Wildlife Shorelands Combining District, Natural Resources Conservation Shorelands Combining District, Residential Development Shorelands Combining District, Mixed Development Shorelands Combining District, Dredged Material/Mitigation Site Combining District, Make Certain Housekeeping Revisions and to Adopt a Separability Clause

FILED

AT _____ O'CLOCK _____

JUN 15 1982

D.M. PENELOU, Director of
General Services of Lane County

BY [Signature] DEPUTY

NEEL 114 PAGE 306

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 13-82

) IN THE MATTER OF AMENDING CHAPTER 10
) OR LANE CODE TO AMEND NATURAL ESTUARY
) DISTRICT, CONSERVATION ESTUARY DISTRICT,
) DEVELOPMENT ESTUARY DISTRICT, SIGNIFICANT
) NATURAL SHORELANDS COMBINING DISTRICT,
) PRIME WILDLIFE SHORELANDS COMBINING
) DISTRICT, NATURAL RESOURCES CONSERVATION
) SHORELANDS COMBINING DISTRICT, RESIDENTIAL
) DEVELOPMENT SHORELANDS COMBINING DISTRICT,
) MIXED DEVELOPMENT SHORELANDS COMBINING
) DISTRICT, DREDGED MATERIAL/MITIGATION SITE
) COMBINING DISTRICT, MAKE CERTAIN HOUSE-
) KEEPING REVISIONS AND TO ADOPT A
) SEPARABILITY CLAUSE

The Board of County Commissioners of Lane County ordains as follows:

REMOVE THESE PAGES

INSERT THESE PAGES

10.225-05 - 10.225-15(3) to
10.270-90(1) - 10.270-95
(a total of 55 pages)

10.225-05 - 10.225-15(3) to
10.270-90(1) - 10.270-95
(a total of 55 pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to amend Natural Estuary District, Conservation Estuary District, Development Estuary District, Significant Natural Shorelands Combining District, Prime Wildlife Shorelands Combining District, Natural Resources Conservation Shorelands Combining District, Residential Development Shorelands Combining District, Mixed Development Shorelands Combining District, Dredged Material/Mitigation Site Combining District, and make certain housekeeping revisions.

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

It is the Board's intent that the amendments to Chapter 10 herein are independent acts consolidated into one ordinance and each amendment or any portion thereof may or may not be enacted.

In the Matter of Amending Chapter 10 of Lane Code to Amend Natural Estuary District, Conservation Estuary District, Development Estuary District, Significant Natural Shorelands Combining District, Prime Wildlife Shorelands Combining District, Natural Resources Conservation Shorelands Combining District, Residential Development Shorelands Combining District, Mixed Development Shorelands Combining District, Dredged Material/Mitigation Site Combining District, Make Certain Housekeeping Revisions and to Adopt a Separability Clause

This Ordinance becomes effective 30 days from the date set forth herein or upon the adoption of an Order adopting Findings of Fact and Conclusions of Law concerning the action, whichever comes last.

ENACTED THIS 9th day of JUNE, 1982.

Gott Linnell
Chairman, Lane County Board of Commissioners

Debbie Mahr
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
DATE 5/7/82 Lane County
Willard
OFFICE OF LEGAL COUNSEL

In the Matter of Amending Chapter 10 of Lane Code to Amend Natural Estuary District, Conservation Estuary District, Development Estuary District, Significant Natural Shorelands Combining District, Prime Wildlife Shorelands Combining District, Natural Resources Conservation Shorelands Combining District, Residential Development Shorelands Combining District, Mixed Development Shorelands Combining District, Dredged Material/Mitigation Site Combining District, Make Certain Housekeeping Revisions and to Adopt a Separability Clause

NATURAL ESTUARY DISTRICT (NE)

-05. Purpose. The purpose of the Natural Estuary District (NE) 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.

-10. Permitted Uses. 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) Low intensity recreation which is water dependent.
- (2) Educational and scientific observation.
- (3) Navigational aids.
- (4) Passive estuarine restoration.
- (5) Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (6) Low intensity grazing provided the area is a high salt marsh.

-15. Special Uses Approved by the Hearings Official. The following specified uses and no others, subject to approval by the Hearings Official, as provided for in LC 10.317, upon satisfaction of the applicable criteria.

- (1) (a) Uses.
 - (i) Communication facilities.
 - (ii) Active restoration measures.
- (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.
- (2) (a) Uses.
 - (i) Aquaculture facilities.
- (b) Criteria.
 - (i) No dredge or fill is required.
 - (ii) The use is consistent with the Lane County Comprehensive Plan.
- (3) (a) Uses.
 - (i) Riprap and associated minor fills.
- (b) Criteria and Conditions.
 - (i) The use is required to protect man-made structures existing prior to October 7, 1977 or critical wildlife habitat in adjacent shorelands areas as identified in the Lane County Comprehensive Plan.
 - (ii) Natural bank stabilization measures are inadequate.

10.225-20

Lane Code

10.225-30(3)

-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.

-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 Siltcoos River and Berry, Sutton, Big and Tenmile Creeks are within the NE District. These are as defined on the Lane County zoning maps as specified by LC 10.315-90.

-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.

12-80; 7.24.80
70-80; 8.6.80

10-207

WP 28328(b)-LC2-3

CONSERVATION ESTUARY DISTRICT (CE)

- 05 Purpose. The purpose of the Conservation Estuary District (CE) 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.
- 10 Permitted Uses. 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 recreation which is water dependent.
 - (2) Scientific and educational observation.
 - (3) Navigational aids.
 - (4) Passive estuarine restoration.
 - (5) Active estuarine restoration not requiring dredge and/or fill.
 - (6) Natural resource preservation including protection of habitat, nutrient, fish, wildlife and aesthetic resources.
 - (7) Aquaculture facilities not requiring dredge or fill.
 - (8) Communication facilities not requiring dredge and/or fill.
 - (9) Noncommercial clamming and fishing.
 - (10) 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.
 - (11) Log storage, provided the storage occurs at sites under lease from Division of State Lands on (date of ordinance adoption) and provided all State and Federal agency requirements are met.
- 15 Special Uses Approved by the Planning Director. The following specified uses and no others subject to approval by the Planning Director as provided for in LC 10.316 upon satisfaction of the applicable criteria.
- (1) (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.

10.230-20(1)

Lane Code

10.230-20(4)

-20. Special Uses Approved by the Hearings Official. The following specified uses and no others subject to approval by the Hearings Official as provided for in LC 10.317, upon satisfaction of the applicable criteria.

- (1) (a) Uses.
 - (i) New or expanded log storage sites.
- (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) Bridge crossing support structures.
- (b) Criteria.
 - (i) An estuarine location is required.

12-80; 7.24.80
17-80; 8.6.80
5-81; 4.8.81

10-209

WP 20874(b)-LC1-3

(CE)

10.230-20(4)

Lane Code

10.230-20(8)

- (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) Public need is demonstrated.
- (v) The requirements of LC 10.230-25 and -30 are met.
- (5) (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.
 (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.
- (6) (a) Uses.
 (i) Active estuarine restoration involving dredge or fill.
- (b) Criteria.
 (i) Public need is demonstrated.
- (7) (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.
- (8) (a) Uses.
 (i) Recreational use marinas requiring dredge or fill.
 (ii) Aquaculture requiring dredge and/or fill.
- (b) Criteria and Conditions.
 (i) The criteria and conditions listed under Special Uses LC 10.220-2(3)(b)(i)-(v) are met.
 (ii) The use is consistent with the resource capabilities of the area and the purposes of the management unit.

(CE)

10.230-25

Lane Code

10.230-30(3)

-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.

-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.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-211

WP 20874(d)-LC1-5

10.235-05

Lane Code

10.235-20

DEVELOPMENT ESTUARY DISTRICT (DE)

-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 nonwater-dependent, nonrelated 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.

-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 water-dependent:

- (a) Marinas.
- (b) Docks and piers and other moorages.
- (c) Boat launching ramps.

-15 Special Uses Approved by the Planning Director. The following specified uses and no others subject to approval by the Planning Director as provided for in LC 10.316, upon satisfaction of the applicable criteria.

(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.

-20 Special Uses Approved by the Hearings Official. The following specified uses and no others subject to approval by the Hearings Official as provided in LC 10.317, upon satisfaction of the applicable criteria.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-212

WP 31069(a)-LC3-2

10.235-20(1)

Lane Code

10.235-20(5)

- (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.
 (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.
- (4) (a) Uses.
 (i) Low-intensity recreation which is water dependent.
 (ii) Scientific and educational observation.
 (iii) Active estuarine restoration.
 (iv) Aquaculture.
 (v) Communication facilities.
 (vi) Bridge crossing support structures.
- (b) Criteria and Conditions.
 (i) The criteria specified in LC 10.235-25 below are met for any use or activity requiring dredge or fill.
 (ii) The use or activity will not irrevocably limit the future or present use of the area for water-dependent commercial or industrial facilities.
- (5) (a) Uses.
 (i) Any uses specified in LC 10.235-10 or -15 which involve dredging or filling of the estuary.

10.235-25(5)

Lane Code

10.235-35(3)

(b) Criteria

(i) The criteria specified in LC 10.235-25 below.

-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 water dependent.
- (2) An estuarine location is required.
- (3) A public need is demonstrated.
- (4) No alternative upland locations exist.
- (5) Adverse impacts on identified estuarine values are minimized.
- (6) Mitigation requirements of ORS 541.605 to 541.695 are met.

-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.

-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.
- (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.

SIGNIFICANT NATURAL SHORELANDS COMBINING DISTRICT (/SN)

-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.

-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.

-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:

- (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.
- (7) Mooring buoys, multipurpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuarine (DE) District.

10.240-15

Lane Code

10.240-15(3)

-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 as provided for in LC 10.316, 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.

10.240-15(4)

Lane Code

10.240-20(3)

(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.

-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 as provided for in LC 10.317, 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.

12-80; 7.24.80
17.80; 8.6.80
5-81; 4.8.81

10-217

WP 31071-LC2(c)-6

(/SN)

10.240-15(3)

Lane Code

10.240-30(6)

(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.

-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.

-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.

10.240-30(7)

Lane Code

10.240-40

(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.

(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.

-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.

-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 urbanizable areas:

(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) There is a lack of suitable shoreland areas within urban or urbanizable areas.

(/SN)

10.240-42

Lane Code

10.240-45(3)

-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.

-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.

follows:

- (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.

12-80; 7.24.80
17-80; 8.6.80

10-220

WP 31071-LC2(f)-9

(/SN)

10.240-45(4)

Lane Code

10.240-65

(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.

(7) Coastal headlands, identified in the Lane County Coastal Inventory.

-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.

-55 Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by certified 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.

-60 Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determinations of the Preliminary Investigation within 10 days of notification of said determination. The appeal shall be filed in written form with the Planning Division and shall state how the Department of Planning and Community Development erred in application of the criteria specified in LC 10.240-45 above. Appeal to the Hearings Official shall be as specified by the appeal provisions for Special Uses Approved by the Hearings Official, LC 10.317.

-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.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-221

WP 31071-LC2(g)-10

10.240-70

Lane Code

10.240-75

-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.

-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.

12-80; 7.24.80
17-80; 8.6.80
5-81; 4.8.81

10-222

WP 31071-LC2(h)-24

PRIME WILDLIFE SHORELANDS COMBINING DISTRICT /PW

-05 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.

-06 Intent. The requirements imposed by the /PW District shall be in addition to those imposed by the respective District or Districts with which the /PW District is combined. Where the requirements of the /PW District conflict with the requirements of the District or Districts with which it is combined, the more restrictive requirements shall apply.

-10 Permitted Uses. 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.

(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, multipurpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes and Development Estuarine District (DE).

-15 Special Uses Approved by the Planning Director. 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 as provided for in LC 10.316, 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.

(/PW)

10.245-15(1)

Lane Code

10.245-15(4)

- (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 10.245-30, -35, and -40 below are met.
- (2) (a) Uses.
 (i) Single-family dwelling units and mobile homes as allowed in the District or Districts with which the /PW 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, -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) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.
 (iv) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.
 (v) 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.
 (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 uses in the respective District or Districts with which the /PW is combined subject to the requirements of this section except as expressly prohibited by LC 10.245-25 below.
 (b) Criteria:
 (i) Maintain the natural quality of surface and subsurface waters.

(/PW)

10.245-15(4)

Lane Code

10.245-20(2)

- (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.
- (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.

-20 Special Uses Approved by the Hearings Official. 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 as provided for in LC 10.317, 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.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-225

WP 20879(c)-LC1-8

10.245-20(2)

Lane Code

10.245-30(3)

- (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.

-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, 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.

-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.

- (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

10.245-30(3)

Lane Code

10.245-40(1)

that area required for the facilities indicated in LC 10.245-30(1) above. Where vegetation removal beyond that allowed in LC 10.245-30(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 /PW District is combined.

(5) No topographic modification is permitted within the 50-foot setback area specified by LC 10.245-35 below.

(6) The shoreward half of the setback area specified by LC 10.245-35 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 10.245-35 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 trees must be retained within the setback area specified by LC 10.245-35 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.

-35 Additional Setback Requirements. Setbacks shall be as required in the District or Districts with which the /PW District is combined except for the additional below-specified setback requirements.

(1) 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 feet 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 average annual erosion rate and multiplying that by the expected life of the structure.

-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 urbanizable areas:

(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.

(/PW)

10.245-40(1)

Lane Code

10.245-45(3)

(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, 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.

-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.

(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:

12-80; 7.24.80

17-80; 8.6.80

10-228

WP 20879(f)-LC1-11

10.245-45(3)

Lane Code

10.245-55

- (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.

-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.

-55 Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by certified 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.

12-80; 7.24.80
 17-80; 8.6.80
 5-81; 4.8.81

10-229

WP 20879(g)-LC1-12

(/PW)

10.245-60

Lane Code

10.245-75

-60 Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation within 10 days of notification of said determination. The appeal shall be filed in written form with the Planning Division and shall state how the Department of Planning and Community Development erred in application of the criteria specified in LC 10.245-45 above. Appeal to the Hearings Official shall be as specified by the appeal provisions for Special Uses Approved by the Hearings Official, LC 10.317.

-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.

-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.]

-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.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-230

WP 20879(h)-LC1-22

10.250-05

Lane Code

10.250-10(3)

NATURAL RESOURCES CONSERVATION
COMBINING DISTRICT/NRC

-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.

-06 Intent. The requirements imposed by the /NRC District shall be in addition to those imposed by the respective District or Districts with which the /NRC District is combined. Where the requirements of the /NRC District conflict with the requirements of the District or Districts with which it is combined, the more restrictive requirements shall apply.

-10 Permitted Uses. In areas found subject to the requirements of the /NRC Combining District by the Preliminary Investigation specified by LC10.250-45 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) 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) Agricultural activities and general farming uses and structures as permitted by the District or Districts with which the /NRC is combined.
- (3) Dredged material disposal when the /NRC is used in conjunction with the /DMR Combining District.

12-80; 7.24.80
17-80; 8.6.80

10-231

WP 31072-LC2(a)-11

(/NRC)

10.250-10(4)

Lane Code

10.250-15(3)

- (4) Shore-secured floating moorage facilities in adjacent water areas.
- (5) 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.

-15 Special Uses Approved by the Planning Director. 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 as provided for in LC 10.316, upon satisfaction of the applicable criteria.

- (1) (a) Uses.
 (i) Single-family dwelling units and mobile homes and such accessory buildings as allowed in the underlying zoning District.
- (b) Criteria.
 (i) All requirements set forth in LC 10.250-30, -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 /NRC 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, -35 and -40, below.
- (b) Criteria.
 (i) The said parcel existed prior to July 24, 1980.
 (ii) The structures shall not occupy more than 30 percent of 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 criteria by LC 10.250-30, below, is minimized.
 (vi) All otherwise applicable requirements of this section are met.
- (3) (a) Uses.
 (i) Single-family, single-purpose docks and piers in adjacent coastal lakes or Development or Conservation Estuarine Districts.

10.250-15(3)

Lane Code

10.250-20(2)

- (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.
- (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.
- (ii) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.
- (iii) The use will not adversely affect the resource use of adjacent timber or agricultural lands.

-20 Special Uses Approved by the Hearings Official. 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 as provided for in LC 10.317, 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.

12-80; 7.24.80
17-80; 8.6.80
5-81; 4.8.81

10-233

WP 31072-LC2(c)-13

10.250-20(2)

Lane Code

10.250-30(3)

(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.

(i) All buildings and uses allowed conditionally or by special use permit in the respective District or Districts with which the /NRC District is combined, except where expressly prohibited by this section.

(b) Criteria.

(i) All applicable criteria provided within the respective District with which the /NRC is combined are met.

(ii) The use will not adversely affect the resource use of adjacent designated timber and agricultural lands.

(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.

-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 excavation and removal of indigenous vegetation unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be required 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.

(/NRC)

10.250-30(4)

Lane Code

10.250-45

(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.

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

-35 Additional Setback Requirements. Setbacks shall be as required in the District or Districts with which the /NRC is combined except for the additional below-specified setback requirements.

(1) 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)-(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 determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

-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 urbanizable areas:

(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, 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.

-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:

12-80; 7.24.80
17-80; 8.6.80

10-235

WP 31072-LC2(e)-15

10.250-45(1)

Lane Code

10.250-45(7)

(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 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.

(/NRC)

10.250-50

Lane Code

10.250-70(4)

-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.

-55 Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by certified 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.

-60 Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation within 10 days of notification of said determination. The appeal shall be filed in written form with the Planning Division and shall state how the Department of Planning and Community Development erred in application of the criteria specified in LC 10.250-45, above. Appeal to the Hearings Official shall be as specified by the appeal provisions for Special Uses Approved by the Hearings Official, LC 10.317.

-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.

-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 comment" period to evaluate the impact of the proposed development on the timber productivity of the parcel and adjacent lands.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-237

WP 31072-LC2(g)-17

(/NRC)

10.250-70(5)

Lane Code

10.250-75

(5) Improvements to ocean shore areas (as defined in ORS 390.065) are subject to a permit from the Oregon Department of Transportation.

-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.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-238

WP 31072-LC2(h)-25

10.255-05

Lane Code

10.255-15

RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING DISTRICT (/RD)

-05 Purpose. The Residential Development Combining District (/RD) is applied to coastal shorelands 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.

-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 it is combined, the more restrictive requirements shall apply.

-10 Permitted Uses. In 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.
- (6) Harvesting of wild crops.
- (7) Low intensity recreational activities.

-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

12-80; 7.24.80
17-80; 8.6.80

10-239

WP 28330(a)-LC3-5

(/RD)

10.255-15

Lane Code

10.255-15(4)

following specified uses and no others are permitted subject to approval by the Planning Director as provided for in LC 10.316, upon satisfaction of the applicable criteria.

- (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 10.255-30, -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 /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.
 - (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. 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.
 - (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

10.255-15(4)

Lane Code

10.255-25(1)

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.

-20 Special 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 Hearings Official as provided for in LC 10.317, 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.

(ii) Natural bank stabilization methods are unfeasible.

(2) (a) Uses.

(i) All buildings and uses permitted conditionally or by special use permit in the respective District or Districts with which the /RD District is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by LC 10.255-25 below.

(b) Criteria.

(i) All applicable criteria provided within the respective District or Districts with which the /RD District are combined are met.

(ii) 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.

-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.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-241

WP 28330(c)-LC3-7

(/RD)

10.255-30

Lane Code

10.255-35(2)

-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 development requirements shall be in addition to those provided by the respective District or Districts 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) 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 structures, 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 excavation and removal of indigenous vegetation unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be required during the construction phase of any project.

(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.

-35 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 50 feet from coastal lakes and the estuary measured at right angles to the high water line. Use of this 50 feet shall be as specified in LC 10.255-30(3)-(6) above.

(2) Building setbacks on ocean front parcels are determined in accord with the rate of erosion in the area to provide reasonable

12-80; 7.24.80

17-80; 8.6.80

10-242

WP 28330(d)-LC3-8

(/RD)

10.255-35(2)

Lane Code

10.255-45(2)

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.

-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 urbanizable areas:

(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, 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.

-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.

(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.

(/RD)

10.255-45(3)

Lane Code

10.255-55

(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.

-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.

-55 Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by certified 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.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-244

WP 28330(f)-LC3-10

10.255-60

Lane Code

10.255-75

-60 Appeal to the Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation within 10 days of notification of said determination. The appeal shall be filed in written form with the Planning Division and shall state how the Department of Planning and Community Development erred in application of the criteria specified in LC 10.255-45 above. Appeal to the Hearings Official shall be as specified by the appeal provisions for Special Uses Approved by the Planning Commission, LC 10.317.

-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.

-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.

-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.

12-80; 7.24.80

17-80; 8.6.80

5-81; 4.8.81

10-245

WP 28330(g)-LC3-11

SHORELANDS MIXED DEVELOPMENT COMBINING DISTRICT (/MD)

-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 shorelands 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 non-water-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.

-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.

-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 this 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.

10.260-10(2)

Lane Code

10.260-15(3)

(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.

-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 as provided for in LC 10.316, 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.

(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.

10.260-15(3)

Lane Code

10.260-20(3)

(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.

-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 as provided for in LC 10.317, upon satisfaction of all applicable criteria.

(1) (a) Uses.

(i) Artificial bank stabilization.

(b) Criteria.

(i) Natural erosion processes are threatening structures existing as of October 7, 1977, or is required to protect a water-dependent use.

(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.

(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 Dis-

12-80; 7.24.80
17-80; 8.6.80
5.81; 4.8.81

10-248

WP 20881(c)-LC1-17

10.260-20(3)

Lane Code

10.260-30(3)

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.

-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.

-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 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.

10.260-40

Lane Code

10.260-45(2)

-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 urbanizable areas:

(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, 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.

-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.

(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.

12-80; 7.24.80
17-80; 8.6.80

10-250

WP 20881(e)-LC1-19

10.260-45(3)

Lane Code

10.260-55

(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.

-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.

-55 Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by certified 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.

12-80; 7.24.80

17-80; 8.6.80

5.81; 4.8.81

10-251

WP 20881(f)-LC1-20

10.260-60

Lane Code

10.260-75

-60 Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation within 10 days of notification of said determination. The appeal shall be filed in written form with the Planning Division and shall state how the Department of Planning and Community Development erred in application of the criteria specified in LC 10.260-45 below. Appeal to the Hearings Official shall be as specified by the appeal provisions for Special Uses Approved by the Hearings Official, LC 10.317.

-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.

-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.

12-80; 7.24.80
17-80; 8.6.80
5-81; 4.8.81

10-252

WP 20881(g)-LC1-21

10.265-05

Lane Code

10.265-15

DREDGE MATERIAL/MITIGATION SITECOMBINING DISTRICT (/DMS)

-05 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). Shorelands Combining Districts and the underlying zoning Districts with which the shoreland Districts are combined.

-10 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.

(4) Activities in conjunction with a mitigation plan approved by the Division of State Lands.

-15 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.

12-80; 7.24.80
17-80; 8.6.80

10-253

WP 20880(a)-LC1-13

(/DMS)

10.265-20

Lane Code

10.265-25

-20 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.

-25 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.

12-80; 7.24.80
17-80; 8.6.80

10-254

WP 20880(b)-LC1-14

BEACHES AND DUNES COMBINING DISTRICT (/BD)

-05 Purpose. The Beaches and Dunes Combining District (/BD) 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.

(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.

-05 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.

-10 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.

-15 Special Uses Approved by the Hearings Official. The following specified uses or activities and no others, subject to approval by the Hearings Official, as provided for in LC 10.317, 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 located in an area protected from geologic hazards, wind erosion, undercutting, ocean flooding and storm waves.]

(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.

10.270-15(3)

Lane Code

10.270-20(1)

(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.
- (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.

-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.

12-80; 7.24.80

17-80; 8.6.80

10-256

WP 28331(b)-LC2-19

10.270-20(2)

Lane Code

10.270-35(2)

(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.

-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.

-30 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.

-35 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 result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, fire safety requirements and the required septic and sewage disposal system.

(2) Vegetation-free areas which are suitable for development shall be used instead of sites which must be artificially cleared.

10.270-35(3)

Lane Code

10.270-50

(3) Areas cleared of vegetation during construction in excess of those indicated in LC 10.270-35(1) above shall be replanted within nine months of the termination of major construction activity.

(4) Sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.

(5) Development shall result in the least topographic modification of the site as is possible.

(6) Slopes in excess of 25 percent shall be prohibited from development.

(7) Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, 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 with which the /BD District is combined unless specifically provided otherwise by the provision of the /BD District.

-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.

-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 Hazards Checklist is as specified by the Lane Manual.

-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.

12-80; 7.24.80

17-80; 8.6.80

10-258

WP 28331(d)-LC2-21

10.270-55

Lane Code

10.270-85

-55 Site Investigation Reports (SIR). The preliminary staff investigation (Development Hazards Checklist) shall determine if a Site Investigation Report is required and, if so, what components of the SIR must be completed.

-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 certified mail within 10 days of completion of the preliminary investigation.

-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.

-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.

-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.

-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.

-85 Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determinations of the Preliminary Investigation or the imposition of conditions based on the SIR to the Planning Commission within 10 days of notification of said determinations or conditions. The appeal shall be filed in written form with the Planning Division and shall state how the Department of Planning and Community Development in application of the requirements of this section.

Appeal to the Hearings Official decision shall be as specified by the appeal provisions for special uses, LC 10.317.

12-80; 7.24.81

17-80; 8.6.80

5-81; 4.8.81

10-259

WP 28331(e)-LC2-22

10.270-90(1)

Lane Code

10.270-95

-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.

-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.

12-80; 7.24.80
17-80; 8.6.80

10-260

WP 28331(f)-LC2-23