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## Chapter 10

### ZONING

#### 10.005 General Rezoning.

It is the policy of the Board that rezoning does not guarantee or imply that subdivision approval will be granted immediately following rezoning without meeting all subdivision and improvement development requirements. *(No history available)*

#### 10.010 Rezoning from AGT to Residential.

It is the policy of the Board to rezone residential (R-1) or R-A) those areas currently zoned AGT but developed with residential uses, unless such would be inconsistent with the comprehensive plan. *(No history available)*

#### 10.015 Conditional Uses in R-1 Zones.

It is the policy of the Board that applications for conditional uses in R-1 Single-Family zoning districts will be viewed with disfavor and will be granted only upon overcoming a strong presumption of incompatibility and a substantial showing that the intent and purposes of the Lane Code, Chapter 10 (zoning) would be met. *(No history available)*

#### 10.020 High Waste Load Requirements.

This section establishes the Board's policy regarding the availability of public sewers for multiple family residential developments and business, professional and commercial developments having high waste load requirements.

(1) All RG Garden Apartment District developments and apartment developments in the RP Residential-Professional District shall be allowed to develop subject to the availability of public sewers.

(2) Any other RP Residential-Professional District or commercial developments having high waste load requirements as determined by the Lane County Health and Sanitation Department shall be allowed to develop subject to the availability of public sewers.

(3) The Board instructs the Lane County Health and Sanitation Department to issue building permits in accordance with the provisions of (1) and (2) above pertaining to the availability of sewers. *(No history available)*

#### 10.025 Group Care Homes

This section delineates the Board's policy regarding use permit criteria for group care homes in AGT and RA zones.

- (1) The following locational criteria are applicable:
  - (a) Standard conditional use permit criteria:
    - (i) Compatibility with adjacent properties and the character of the neighborhood;
    - (ii) The development will be as attractive as the nature of the use will allow;
    - (iii) The use will enhance the community or provide an essential service to the community or region.
  - (b) The home shall be convenient to shopping, education, recreational and public transportation facilities as deemed appropriate for the requested type of use.
- (2) The following developmental criteria are applicable:
  - (a) The residential character and appearance of the structure shall be maintained.

(b) Off-street parking shall be provided for any guests who may own or have occasion to own automobiles (depending upon the type of facility requested).

(3) The following operational criteria are applicable:

(a) Supervision by a responsible or private agency which can provide reasonable assurance as to the following considerations affecting compatibility with the neighborhood.

(i) The health and behavior of the guests or residents is judged at the time of placement and thereafter continually monitored so as not to be adverse to the livability of the neighborhood;

(ii) Any problems which may arise as to the health or behavior of any guest or resident which may adversely affect the livability of the neighborhood will be immediately alleviated by the supervising agency, such action to require the removal of the person from the home, if necessary;

(iii) The income and ability of the operator is sufficient to maintain a proper facility;

(iv) The size of the structure and its arrangement on the land is sufficient to meet the physical and environmental needs of the number of guests or residents proposed;

(v) The overall neighborhood environment will be conducive to the health and well-being of the guests or residents.

(b) The type of guests shall be limited to those supervised by the supervising public or private agency;

(c) No special on-site medical services or facilities are required;

(d) The number of guests or residents shall be limited to any number less than the maximum authorized, if it is determined that such a lesser number is necessary to satisfy the above criteria;

(e) Any other conditions necessary to insure all of the above criteria will be complied with. *(No history available)*

### **10.030 Application of the Resolution of Intent.**

(1) Authority. The following conditions relating to the application of the Order of Intent to Zone or Rezone in Lane County are hereby adopted pursuant to authority granted to Lane County by Chapter 10 (Zoning), Lane Code, the Lane County Home Rule Charter and consistent with ORS Chapter 215.

(2) Purpose. The conditions set forth herein are for the purpose of establishing a uniform policy in Lane County for the application of the Order of Intent to Zone or Rezone. It is intended that this policy will clarify and set the conditions and guidelines for individuals, public bodies, Departments, and the general public in the application of Order of Intent to Zone or Rezone.

(3) The Order of Intent to Zone or Rezone.

(a) LC 10.315-65 provides that if the Board "determines that granting a zoning or rezoning application would comply with the general purpose of this chapter (zoning ordinance) only if the property in question would be developed as proposed in a reasonable time rather than being in a state of speculative zoning, the Board shall indicate its general approval in principle of the zoning or rezoning by the adoption of an 'Order of Intent to Zone or Rezone' said property. This order shall include any conditions, stipulations or limitations which the Board determines is necessary to the public interest...including those provisions necessary to prevent speculative holding of the property..."

(b) The Resolution of Intent is intended to achieve three purposes:

(i) First, if it is determined that a development proposal would comply with the purpose and intent of the zoning ordinance and Comprehensive Plan only if developed as proposed at the time of zoning and rezoning, then the Resolution of Intent can be used to insure that it is so developed. If property is later proposed for a different development, a public hearing for reconsideration would be required.

(ii) Secondly, the Resolution of Intent is directed at preventing speculative zoning. Speculative zoning differs from land speculation in general, and it is important to distinguish between the two. The latter involves the speculative purchase of land in anticipation of future resale potential, but without zoning necessarily being available for the anticipated use at the time of speculative purchase. Speculative zoning, however, involves zoning land not for the purpose of development, but rather for the resale of the land, the value of which has increased as a result of the zoning because it allows for more intensive uses. Preventing speculative zoning through the Resolution of Intent procedure would, on the other hand, reduce the future over-supply of vacant land zoned for intensive urban uses, while providing opportunities for those who seriously desire to develop land to do so.

(iii) Thirdly, the Resolution of intent is intended to be utilized as a means of controlling future actions which may be necessary for the satisfaction of the rezoning criteria. Such actions may be those which are not directly controlled by the developer, e.g., creation of a sewer district or extension of city sewers, extension of a County road, passage of a school bond issue for new classrooms, etc. Other actions could be controlled by the developer, such as off-site improvement standards. For example, an individual might request rezoning to R-1, single-family residential district. The property, however, is located at the end of an existing road with only a 40-foot right-of-way. Based on an analysis of the proposal, it might be determined that the rezoning and development is appropriate only at such time as the road along its entire length to the property is constructed to County standards prior to actual construction of the subdivision. In such a case, a Resolution of Intent would specify this situation as a condition necessary to exist prior to approval of zoning. Similarly, it might be determined that it is necessary to require that the developer insure, prior to construction, that there will be available the necessary public services from the nearby city at the time of initial utilization of the development, in order to guarantee that with adjacent property owners for right-of-way acquisition or with the specific city for the means of obtaining services (e.g., annexations, etc.). Application of such conditions and situations necessary to satisfy rezoning criteria are guaranteed prior to the time of construction. Failure of these conditions to materialize would void the tentative rezoning approval, and thus would not result in an oversupply of such land being held for speculative purposes.

(4) Application of the Order of Intent to Zone or Rezone. When considering a request for the zoning or rezoning of land, the Board will require an Order of Intent to Zone or Rezone in the following situations:

(a) The zoning or rezoning of land then in a less intensive use to Multiple-Family or Residential-Professional classification.

(b) The initial zoning or rezoning of vacant land or land then in a less intensive use to any commercial classification.

(c) The initial zoning or rezoning of vacant land or land then in a less intensive use to an industrial classification.

(d) A Resolution of Intent may also be deemed appropriate for situations other than above-defined conditions for speculative zoning exists, or it appears appropriate in the public interest to require conditions, stipulations or limitations relative to the use and development of the site necessary to insure the proposal meets the criteria for zoning or rezoning.

(5) When the Order of Intent to Zone or Rezone is Not Necessary.

(a) There are several situations when an Order of Intent to Zone or Rezone will not be necessary. For example, the rural classifications are very restrictive and development potential is limited to the point that speculative zoning is not an issue.

In the single-family residential zones, the subdivision ordinance is available to provide for appropriate development.

The Resolution of Intent to Zone is also not necessary when rezoning is being considered to allow for the minor expansion of an existing zone for the purposes of allowing a use to expand (such as additional parking or expansion of an existing building).

Rezoning from one zone to another within the same general classification (i.e., from C-1 to C-2, or M-2 to M-3) or rezoning an existing nonconforming use to a permitted use will not require Resolutions of Intent. In the former situation, the decision to allow the general classification (i.e., commercial or industrial) has been made and in the latter case the appropriateness of rezoning will be determined by the Comprehensive Plan.

(b) In summary, the Order of Intent to Zone or Rezone will not be necessary in the following situations:

(i) When zoning or rezoning land to any rural classification (EFU-20, FF-20, AGT-5, FR-5, RR or/IA).

(ii) When zoning or rezoning land to R-1 or RA.

(iii) When rezoning to allow for a minor expansion of an existing use.

(iv) When rezoning from one to another within the same category of general classification (e.g., commercial, industrial, etc.).

(v) When zoning an existing nonconforming use to a permitted use.

(vi) In other situations when, from a review of the facts, it is apparent that zoning or rezoning would not contribute to speculative holding. If it can be determined that rezoning would not create an oversupply of land zoned in a particular classification and would not be detrimental to the public interest if conditions, stipulations and limitations were not placed on the property, a Resolution of Intent will not be necessary.

(6) Future Modifications to this Policy. The preceding policies will require modifications as the zoning ordinance is revised in the future and, in any event, should be reviewed in one year for any appropriate changes. *(No history available)*

**10.035 Public Notice Posting Requirements for Certain Land Use Applications.**

This section establishes additional public notice requirements for certain land use applications in the form of large, on-site signs under the general authority provided in LC 9.735(3) and 10.025-25(3).

(1) In addition to the notice required in LC Chapters 9 and 10, an applicant for an Unzoned Area Development Permit, Rezoning, Conditional Use Permit, Temporary Permit, Special Exception or Greenway Development Permit, shall, at the applicant's expense, post signs on or near the property conspicuously displaying notice of the pending hearing at least 10 days and no more than 15 days prior to the date of hearing. One sign shall be posted for each 300 feet, or portion thereof, of frontage of the subject property on any public street or road. If no public road abuts the subject property, then the sign shall be posted in such a manner as may be most readily seen by the public.

(2) The content, design, size and location of the signs shall be determined by the Planning Director to assure that the information is posted in a manner as to be visible

by the motoring public passing at normal speeds. At a minimum, such signs shall be at least 22 inches x 28 inches in size and shall include a general description of the request, the hearing body, hearing date, time and location, and where to receive more information. The signs shall be prepared by the Planning Division and provided to the applicant.

(3) The applicant shall sign a written receipt for signs and acknowledgment of accepting responsibility to comply with the posting requirements of this procedure. Failure to comply with these requirements, as determined by the hearing body or person, shall result in cancellation of the scheduled hearing. The applicant may reschedule upon payment of an additional fee established by the Board of Commissioners which is paid to cover the additional costs to the County for renotification and rescheduling. In such cases, the application will be rescheduled for the next available hearing agenda following payment of such fee.

(4) Any person shall have the opportunity, prior to the opening of the public hearing, to challenge compliance by the applicant with these posting notification requirements. The person making such challenge shall have the burden to prove noncompliance.

(5) The applicant is responsible for removal of the sign(s) from the site within seven days following the advertised hearing. *(Revised by Order No. 80-3-26-3; Effective 3.26.80)*

#### **10.040 Operation Standards for Referrals on Quarry and Mine Extraction Operations.**

Operation standards established under ORS 517 for quarry and mine extraction are minimum standards to be observed during extraction and processing activities to assure that (1) the operation takes into consideration the health, welfare and safety of people on and off the site who may be affected by the operation, and that (2) the site shall be clean and orderly and left in a condition conducive to appropriate uses after extraction has been completed. A copy of the State Operations Plan referred to the Planning Director for review shall be evaluated with consideration given to the following standards:

(1) Setbacks. In lieu of uniform setbacks for all quarry and mine extraction operations, the following standards should be met:

(a) Setbacks from adjoining properties should be sufficient to protect the normal activities of residences, businesses, industries and other activities.

(b) Setbacks from adjoining properties should be a distance sufficient to minimize hazards to persons and property resulting from blasting, slides, slippage, subsidence, ground and surface water contamination and depletion and other hazards.

(2) Lighting. Any night lighting should be arranged and controlled so as not to illuminate adjacent properties, residences or other habitable structures.

(3) Hours of Operation. The hours of operation should be determined by what is necessary to protect the surrounding activities from disturbance caused by quarry and mining extraction operations.

(4) Fencing. Fencing around the quarry and mining operation should be required when it has been determined that the location, type and nature of the operation poses hazards to the safety of surrounding residents and public and private property.

(5) Parking. All parking facilities for employees and customers should be located within the boundaries of the property under the control of the owner or operator.

(6) Mining Spoils. All mining spoils should be disposed of in such a manner that they will not create a geological hazard or contribute to water pollution through leaking, leaching or erosion. Management of mining spoils shall be in a manner which is consistent with the standards of the local soil and water conservation district.

(7) Overburden and Topsoil Stockpiling. Overburden and topsoil not removed from the property should be placed and stabilized in a manner that does not create safety hazards or nuisances for adjoining properties.

(8) Screening. Screening should be suggested where it is determined necessary to minimize the visual impact of the quarry and mining extraction operation on surrounding properties, residences, commercial, industrial or other land use activities. *(Revised by Order No. 93-3-31-7; Effective 3.31.93)*

### **10.045 Reclamation Standards for Referrals on Quarry and Mine Extraction Operations.**

Reclamation of land subjected to quarry and mine extraction operations is an ongoing process which should occur as phases of the quarry and mine extraction operation are completed. A Reclamation Plan filed with the State Department of Geology and Mineral Industries and referred to the Director shall be reviewed for compatibility with the following standards.

(1) General Provisions and Timing.

(a) A schedule for reclamation should define areas covered by each phase and the probable timing thereof.

(b) The Reclamation Plan shall be consistent with the Comprehensive Plan for Lane County.

(c) All structures and buildings used in conjunction with the extraction and storing of minerals should be removed following completion of the Reclamation Plan, unless such structures and buildings are suitable for other permitted uses.

(2) Operating Standards Applicable to Reclamation. Standards for setbacks and fencing as set forth in LM 10.040(1)(4) should be observed.

(3) Top Soil and Fill Material.

(a) Material used in refilling all holes, pits and excavations should be of a quality that will not decompose, contaminate or pollute the groundwater or surface, or cause subsidence either during the operation of the excavation or upon termination of the quarry and mine operations.

(b) All graded or backfilled areas, or banks should be covered with topsoil to a depth sufficient to support vegetation and/or other approved cover adequate to control soil erosion.

(4) Minimum Site Improvement Standards.

(a) Slopes and grading. Excavations made to any setback lines should meet the following requirements.

(i) Where excavations have not been made to water-producing depth:

(a) Slopes that are steeper than that of the immediately surrounding area will be acceptable if they are designed by a registered professional engineer with expertise in the field of rock and soils mechanics, licensed in the State of Oregon and acceptable to the State Department of Geology and Mineral Industries. If slopes are steeper than 1 vertical to 1-1/2 horizontal, provisions should be made so that livestock, people and wildlife can find safe egress from the excavation area.

(b) The bottom of any excavation should be graded so that drainage shall flow into one low area of the excavation. If drainage from this site is practical, the site should be graded to discharge water to existing natural channels.

(ii) Where excavations have been made to water-bearing strata:

(a) Excavations made to a water-producing depth creating lakes and ponds should be deep enough to prevent stagnation and development of an

insect-breeding area or backfilled with a material that will not impair the groundwater quality.

(b) All banks should be sloped at a ratio no steeper than one (1) vertical to two (2) horizontal (1.2) to a water depth of three feet, measured from low water mark, and to three feet above high water mark.

(c) All grading should be done to establish safe access to and egress from water for persons, livestock and wildlife.

(b) Drainage. Except as provided above, upon completion of operations the condition of the land should allow sufficient drainage to prevent water pockets or undue erosion. Natural drainage should be maintained so as to prevent harmful effects on surrounding property. The rate of drainage should not be increased over what it would have been if the site had remained in its original use.

(c) Slopes. All quarry faces which exceed 45 degrees should be benched. The bench face ratio should not exceed one and one half (1-1/2) vertical to one (1) horizontal (1-1/2:1). Benches should be at least ten (10) feet wide. *(Revised by Order No. 79-2-21-9; Effective 2.21.79)*

#### **10.050 Board of County Commissioners' Variance Appeal Procedures.**

(1) An appeal of any Hearings Official's variance decision may be made to the Board by any interested person or County official. Such appeal shall be filed in written form with the Planning Division within 10 days of the date of the Hearings Official's action. The appeal shall state how the Hearings Official erred in the application of the criteria set forth in LC 10.330-20.

(2) Within five days of the filing of notice of appeal, the Planning Division shall make available to the appellant a copy of the tape recording of the hearing before the Hearings Official. The appellant shall file within 25 days of the filing of the notice of appeal 12 copies of a transcript of the hearing to the Board. Failure to timely submit the transcript to the Board shall divest the Board of jurisdiction to hear the appeal.

(3) Within 10 days of the receipt of the transcript, the Board will schedule the matter for hearing.

(4) Notice of the hearing shall be given to those receiving notice of the Hearings Official's hearing and other interested persons who attended the Hearings Official's hearing and requested notice of any appeal to the Board. Said notice shall be mailed not later than seven days prior to the hearing.

(5) The Board hearing shall be a review on the record made before the Hearings Official and no additional evidence or factual testimony will be allowed.

(6) At the hearing, oral argument based on the record shall be permitted by the proponents, not to exceed 30 minutes. Those opposed to the relief requested by the proponents shall have 30 minutes to argue in opposition. However, in the event there are more than one proponent or opponent, the time shall be equally divided between those wishing to argue. The Chairman of the Board shall announce the time allotted to each person after determining the number who wish to argue. The proponents may reserve 10 minutes of the allotted time to argue in rebuttal. *(Revised by Order No. 79-8-14-3; Effective 8.14.79)*

#### **10.055 Board of County Commissioners' Criteria in Evaluating Variance Appeals.**

Review of the record and argument shall be considered only as to any alleged misapplication of the criteria of LC 10.330-20. The Board may only reverse the Hearings Official upon a finding that the Hearings Official erred in the application of those criteria to the facts of the case. In reversing a decision of the Hearings Official, the Board shall

indicate the basis for its decision, including any necessary findings. *(Revised by Order No. 79-8-14-3; Effective 8.14.79)*

### **10.056 Sand Stabilization Plan.**

(1) Purpose. Sand dunes are by nature a dynamic land form, constantly changing due to wind action. Even the older dunes, surface stabilized with dense brush and forest communities, are subject to reactivation when developed. Nonexistent or insubstantial soil development make these dune areas particularly susceptible to disturbance. To prevent adverse impacts to any proposed development and/or on adjacent development or environments and to ensure against fire hazards, a Sand Stabilization Plan shall be a requirement for any development, regardless of size, proposed in a coastal dune area. The Plan shall be prepared by the applicant in conjunction with the Lane County Planning Division staff to ensure that:

(a) Methods for stabilizing sand areas exposed to wind are adopted during the construction phase.

(b) Replanting of stabilizing vegetation and secondary successional planting occurs following construction.

(c) The vegetation is maintained to minimize fire hazards.

(2) Methods and Standards. The following general methods and standards are provided for accomplishing each of these objectives.

(a) Construction Phase Stabilization. Temporary stabilization methods must be used during the construction phase of any project receiving exposure to wind. The appropriate method depends on the terrain, the type of subsequent vegetative planting to be conducted and the susceptibility of the site to erosion. One of the following methods will be specified by the Planning Division staff as a condition of approval.

(i) Chicken Wire Netting. This method is used on steep slopes and is placed over straw matting. Sections of wire must be laced together and staked at 10-foot intervals.

(ii) Straw Matting. This method is suitable for large relatively flat areas. A four-inch cover of rye grass straw is placed over the area and punched into the sand with a sheep foot roller or farm disc. Permanent grass or legumes can be seeded directly into the straw in the fall.

(iii) Rock or Gravel, Topsoil. This method is only valuable on virtually level ground due to water erosion problems. Four to six inches are applied and may be planted following the construction phase. Gravel can be used to serve as a fire break.

(iv) Bark. This method is not successful on steep slopes. On slight slopes and level ground it has several advantages. It can be applied by blow-truck, is attractive, resists traffic damage and prevents moisture loss from the sand. Several sizes are available. Large bark pieces (bark rock) should be used in areas of greatest exposure. The entire exposed area must be covered and it is recommended that gravel be used adjacent to wooden structures to prevent fire danger. Plastic should not be placed underneath since this will make later planting difficult and will prevent water penetration.

(v) Log Placement. Beach logs can be placed on cut banks to reduce or prevent slumping. The spaces between the logs should be planted with stabilizing vegetation.

(vi) Lath Snow Fencing. This method can be used on cut banks to hold them while plantings are established between the laths. The snow fence sections should be well anchored to the bank with posts.

(b) Replanting Phase. In all recently stabilized and older stabilized dune areas and on the upland interdune plain where development is permitted, development must be followed by permanent stabilization using vegetative cover. The exact prescription for the replanting phase will depend on the type of dune form and the location of the development in relation to it, as well as the type of vegetative cover existing on the land form prior to construction. The following standards represent minimum standards which must be met by the applicant following construction. These standards, along with any specific conditions imposed by the Planning Division, shall be a condition of approval.

(i) Planting Dates. Planting on dune land forms shall occur between November 15 and March 15. Best results will be achieved if planting occurs prior to January 31. An exception to these planting dates may be requested in older stabilized dune areas where topsoil has been used as a temporary stabilization method.

(ii) Site Preparation. The natural contours of the dune land form shall be maintained as much as feasible.

(iii) Initial Plant Species. Except where topsoil has been used for interim stabilization or where gravel has been used as a firebreak, European Beach Grass (*Ammophila arenaria*) shall be used for initial vegetative stabilization. In areas where topsoil has been used and adequate protection from wind is provided, permanent native grasses, native shrubs or ornamentals may be used.

(iv) Planting Technique. Large disturbed areas may be planted by tractor. Approximately 58,000 culms of beach grass per acre are required. Areas in excess of 20 acres which are exposed to severe wind or bowl areas must be planted in irregular patterns. Planting rows shall not be planted parallel to the wind.

(v) Fertilization of Initial Planting. Fertilization of beach grass plantings with a 21-0-0 (ammonium sulfate) coarse grain fertilizer shall be required at the time of planting. For slopes greater than 25 percent, fertilization at a rate of 400 pounds per acre shall occur. For lesser slopes, a rate of 200 pounds per acre shall be used. Fertilization shall occur when winds are less than five mph. Application during rain storms is ideal, since it ensures that fertilizer will reach the root systems immediately.

If successional planting is not used, an annual fertilization program following the above standards must be maintained.

(vi) Secondary (Successional) Planting. To simplify maintenance of stabilizing vegetation and to reduce fire hazards, the planting of beach grass shall be followed with plantings of either native woody species or permanent grasses and legumes, depending on the desires of the applicant and the constraints of the site. These secondary plantings shall occur in the beach grass following the second growing season (December to February).

If planting is to occur on an older stabilized dune form or a recently stabilized form with well established woody vegetative cover, scotchbroom (*Cytisus scoparius*) and the shore pine (*Pinus contorta*) shall be planted at eight-foot centers. (The scotchbroom is fire resistant and provides some soil enrichment. The shorepine will eventually shade out the scotchbroom in about the 12th year and a pine forest will be established which is substantially more fire resistant than the beach grass.)

If the development occurred in a conditionally stable dune area devoid of climax vegetation, a secondary planting of permanent grasses may be required by the Planning Division. If this type of planting is used, one of the two following mixtures shall be used:

(aa) Mixture 1.	
<u>Species</u>	<u>Lbs/Acre</u>
Lupinus littoralis	7

	Poa macrantha	15
	Lathyrus maritimus	15
	Festuca rubra	0
(bb)	Mixture 11.	
	<u>Species</u>	<u>Lbs/Acre</u>
	Festuca rubra	8
	Lolium multiFLorum	5
	Vicia villosa	25
	Festuca arundinacea	10

The beach grass plantings must be disced and followed with an application of the seed mixture in the fall. A fertilizer application of 300 pounds of 12-12-12 per acre must follow.

(c) Continued Maintenance. Continued maintenance of the stabilizing vegetation is required. For subdivisions in excess of 20 units in wind exposed areas the Planning Division may require performance bonding to ensure continued proper maintenance. If the vegetation on the site dies, it shall be the responsibility of the developer or subsequent owner to adopt temporary stabilization measures, plus a subsequent replanting and maintenance program at the earliest possible date. *(Revised by Order No. 80-7-22-5; Effective 7.22.80)*

#### **10.060 Site Investigation Report.**

The Site Investigation Report (SIR) is designed to provide in-depth information concerning hazards and potential adverse impacts associated with the proposed development and to suggest methods for minimizing these impacts.

The components of the SIR, which will be completed at the expense of the applicant, are specified by the results of the Development Checklist. Recognized experts on development in dune areas must be employed by the applicant to complete required components. All fees will be paid by the applicant.

(1) Land Form Hazards.

(a) On Site.

(i) Water Erosion.

(aa) Size and slope of affected areas.

(bb) Delineate areas of material loss or deposit.

(cc) Identify off-site conditions contributing to past or continuing water erosion problems.

(dd) Submit photographic or other evidence of the type of erosion.

(ee) Indicate width and slope of beach from mean low water to beach line. (This component is only necessary where beach front protective structures are proposed under LC 10.270-15 in order to determine riprap placement.)

(ff) Identify the source of the water causing erosion (i.e., ocean, rivers, seasonal rise in groundwater).

(gg) Produce evidence, if possible, of past erosion rates and give investigator's estimation of future rates (historical aerial photos).

(hh) Provide complete location mapping and actual work specifications for all corrective measures proposed to alleviate future water erosion problems. Furnish cost estimates.

(ii) Wind Erosion.

(aa) Size and slope of active sand areas.

(bb) Delineate areas of sand loss or accretion.

(cc) Identify off-site source of sand and probable movement patterns and rate of movement.

(dd) Indicate wind exposure and estimated fetch length.

(ee) Indicate height of water table in relation to the ground surface.

(ff) Provide alternatives for minimizing wind erosion providing cost estimates for each.

(iii) Landslide or Slough Potential.

(aa) Identify areas affected by slide or sloughing on the site plan and furnish dated photos and/or other evidence showing all such activity.

(bb) Identify the type of slide: rotation block, rock-fall or soil creep and the nature of the instability.

(cc) Describe width, height and degree of slope. Include types of soil and underlying bedrock.

(dd) Describe location and measurements of cracks, drainage patterns, driftwood deposits, bedrock outcrops, wave undercutting or other major features.

(ee) Describe probable cause and investigator's prediction of future slide activity.

(ff) Provide alternative measures for mitigating or minimizing these hazards, complete with cost estimates for each.

(iv) Soil Compaction.

(aa) Information on the lithology and compaction of all subsurface horizons to bedrock.

(bb) The depth, width, slope and bearing of all horizons containing significant amounts of silt, clay or any other subsurface layers which could reduce the infiltration of surface waters.

(cc) Underlying areas of buried vegetation or peat.

(dd) Construction alternatives and recommendations for placement of the proposed development to minimize structural damage due to soil compaction. Cost estimates should be provided for construction alternatives.

(v) Flooding.

(aa) Identify on the site plan the 100-year floodplain and/or storm tide, tsunami line as applicable.

(bb) Provide evidence that the elevation of the lowest habitable floor will be raised above the top of the highest possible storm wave or tsunami or 100-year floodplain. Registered surveyor or engineer signed report shall suffice.

(b) Adjacent Land Forms.

(i) Wave Overtopping or Undercutting.

(aa) Describe area of wave overtopping and furnish photographs or other evidence.

(bb) Describe extent of recent or historic undercutting, length of area and height of cut.

(cc) Describe historic stability of beaches in the general area.

(dd) Furnish investigator's assessment of possible threat to the site along with recommended alternatives for solving the problem. Provide cost estimates for the various alternatives.

(ii) Adjacent to Active Dune Form.

(aa) Give location of active dune form in relation to the development site.

(bb) Indicate approximate size (in acres), the maximum elevation, direction of movement and predicted rate of movement (provide historical aerials where available) of all adjacent open sand and sparsely vegetated dune forms.

(cc) Indicate ownership of adjoining dunes and proposed future management, if known.

(dd) Indicate investigator's assessment of probable threat to development site and provide alternatives for mitigating the threat, both on-site and off-site. Provide cost estimates of the various alternatives.

(iii) Storm Runoff Erosion.

(aa) Describe any known storm runoff or flood velocity hazards on adjoining property that might adversely affect the site.

(bb) Describe any plans for cooperative measures to alleviate the problem.

(iv) Areas of Recent Slide Activity.

(aa) Identify and map adjacent areas of recent slide activity in relation to the development site.

(bb) For all adjacent slide areas which may potentially affect the development site, provide the information required in LM 10.060(1)(a)(iii)(bb)-(cc) above.

(cc) Provide both on-site and off-site alternatives for minimizing the hazards to the proposed development and provide cost estimates for various alternatives.

(v) Areas of Un-maintained Combustible Vegetation.

(aa) Describe nature and extent of areas of adjacent combustible vegetation.

(bb) Provide information on ownership of these areas.

(cc) Provide alternatives for reduction of fire hazard, including cooperative agreements regarding vegetation maintenance, the planting of fire resistant species on the development site and the provision of fire breaks adjacent to dwellings.

(2) Historical and Archaeological Sites.

(a) Describe and locate on-site plan any identified historical or archaeological sites.

(b) Describe any protection measures planned to preserve the site. If not, an exception to Statewide Planning Goal No. 5 must be taken.

(3) Fish and/or Wildlife Habitat.

(a) Identify any rare or endangered species or critical habitat areas present on the site.

(b) Describe any adverse impacts on critical habitats to be caused by the proposed development.

(c) Propose methods for minimizing the impacts in consultation with the Oregon Department of Fish and Wildlife.

(4) Development Impacts.

(a) Furnish the investigator's assessment of the site's overall capability and suggest the maximum level of use which can be permitted without causing weight slope failure, damage to water quality and quantity, water erosion from storm runoff, increased sand movement or increased wind exposure, any of which may damage habitat or development on adjacent sites. Provide supporting technical data. Provide a comparison of the maximum use thresholds and the level of use anticipated in the proposed development. Submit alternatives for bringing the proposed development within those maximum use thresholds and provide cost estimates for each.

NOTE. This analysis need only be completed for the specific impacts identified on the Development Checklist (i.e., LM 10.065(7)(a) through (g)).

(b) Provide a plan to allow for continued public access to public beach and dune areas while minimizing adverse impacts to the dune forms and any stabilizing vegetation.

(c) Estimate the cost to Lane County in acquisition of new right-of-way or the cost of road improvements made necessary by the proposed development to maintain road standards provided in Lane Code, Chapter 15. Provide estimates of new revenues to be provided by the County as a result of the proposed development.

(5) Suitability of Proposed Design.

(a) Recommend amended site arrangement or design modifications which would make the proposed development more compatible with the dune land form.

(b) Specify site arrangements or design modifications or construction techniques which would allow for reduction in loss of vegetation.

(c) Provide alternative parking area layouts which:

(i) Provide adequate off-street parking.

(ii) Conform to the dune land form as much as feasible.

(iii) Minimize the amount of non-permeable surface area.

(d) Submit plans for all road construction with specified methods for providing freedom of movement for both groundwater and surface water and minimizing danger of landslides or blowouts. In all cases, the proposed roadway should be located so that it does not run parallel to the foredune. The plans shall be prepared by and signed by an engineer licensed for road design and engineering.

(6) LCDC Goal Requirements. Identify potential conflicts with the Coastal Goals or the LCDC acknowledged Comprehensive Plan and identify all efforts made to mitigate or minimize these conflicts. *(Revised by Order No. 80-7-22-5; Effective 7.22.80)*

### **10.065 Development Hazards Checklist.**

The Development Hazards Checklist provides the initial screening process for any development proposed for Beach and Dune areas.

The Development Hazards Checklist serves to provide a cross-check for the dune land form mapping system and locate the proposed development in relation to the dune forms in the area and to indicate certain potential hazards associated with the particular land form proposed for development and, where these potential hazards are identified, specifies what Site Investigation Report (SIR) components must be completed in order to more fully assess the hazard. The Checklist also provides for initial determination of any adverse impacts on adjacent land that may be expected from the proposed development. Where such potential impacts are identified specific portions of the SIR are indicated so that mitigation methods can be examined by staff.

(1) Conformance with Parent Zone. Does the proposed development conform to the requirements of the underlying zoning District? If not, the Planning Division shall require that:

(a) Applications for a Variance (LC 10.330) or a Conditional Use Permit (LC 10.320) be made prior to completion of the Checklist, but that

(b) Applications for Zone Changes (LC 10.315) be made simultaneously with application for the Beaches and Dunes Development Hazards Checklist.

(2) Existing Site Vegetation.

(a) What is the existing vegetation type/types on the site?

(b) Does the vegetation on the site afford adequate protection against soil erosion from wind and surface water runoff?

(c) Does the vegetation constitute a possible fire hazard or a contributing factor to slide potential? This information shall be used to determine the classification of the dune land form and the specific requirements of the Sand Stabilization Plan.

(3) Beaches and Dunes Restricted Land Forms. If the proposed development falls completely within the following land forms, the application shall be refused.

- (a) Active Dune Forms.
- (b) Beaches except as allowed by LC 10.270-15(5), (6).
- (c) Near-Shore Deflation Plain.
- (d) Foredunes subject to wave overtopping or ocean undercutting.

(4) Land Form Hazards. If, based on existing technical information regarding the type of land form, area-specific historical information and/or site investigation, the potential for the following hazardous conditions exists, SIR components shall be required as specified after each identified hazard.

- (a) On-Site.
  - (i) Water erosion. (LM 10.060(1)(a)(i); LM 10.060(6).)
  - (ii) Wind erosion. (LM 10.060(1)(a)(ii), LM 10.060(6).)
  - (iii) Landslide or sluff potential. (LM 10.060(1)(a)(iii); LM 10.060(6).)
  - (iv) Soil compaction. (LM 10.060(1)(a)(iv); LM 10.060(6).)
  - (v) Flooding.
    - (aa) 100-year floodplain. (LM 10.060(1)(a)(v); LM 10.060(6).)
    - (bb) Highest possible storm wave or tsunami. (LM 10.060(1)(a)(v); LM 10.060(6).)
    - (cc) Seasonal flooding or ponding from high water table.
- (b) Adjacent Land Forms.
  - (i) Subject to wave overtopping or undercutting. (LM 10.060(1)(b)(i), LM 10.060(6).)
  - (ii) Active dune form (includes all foredunes). (LM 10.060(1)(b)(ii); LM 10.060(6).)
  - (iii) Storm runoff erosion. (LM 10.060(1)(b)(iii); LM 10.060(6).)
  - (iv) Areas of recent slide activity. (LM 10.060(1)(b)(iv); LM 10.060(6).)
  - (v) Areas of un-maintained combustible vegetation. (LM 10.060(1)(b)(v), LM 10.060(6).)

(5) Historical and Archaeological Sites. Are there any identified historical or archaeological sites within the area proposed for development? (LM 10.060(2).)

(6) Fish and/or Wildlife Habitat. Does the proposed development site fall within or lie adjacent to areas of critical fish and/or wildlife habitat as identified by the Oregon Nature Conservancy, the Oregon Department of Fish and Wildlife or the Lane County Coastal Inventory (LM 10.060(3).)

(7) Development Impacts. Identify any potential adverse impacts anticipated from the proposed development, paying particular attention to the following..

- (a) Increased wind exposure. (LM 10.060(4)(a); LM 10.060(6).)
- (b) Increased open sand movement. (LM 10.060(4)(a); LM 10.060(6).)
- (c) Increased water erosion and runoff. (LM 10.060(4)(a); LM 10.060(6).)
- (d) Increased slide potential. (LM 10.060(4)(a); LM 10.060(6).)
- (e) Loss of established public access. (LM 10.060(4)(b); LM 10.060(6).)

(f) Negative impacts on the dunal aquifer either qualitatively or quantitatively. (LM 10.060(4)(a); LM 10.060(6).)

(g) Based on anticipated traffic generation, will additional right-of-way or road improvements be required as a result of the proposed development? (LM 10.060(4)(c), LM 10.060(6).)

(h) Other (specify as applicable).

(8) Suitability of Proposed Design.

(a) Is the scale, design and arrangement of the proposed structures compatible with the dune land form? (LM 10.060(5)(a); LM 10.060(6).)

(b) Is there unnecessary destruction of existing trees or other vegetation as a result of the proposed development? (LM 10.060(5)(b); LM 10.060(6).)

(c) Is adequate off-street parking provided for the proposed use, and is there layout such that it conforms to dune land forms and minimizes area covered by impermeable surfaces? (LM 10.060(5)(c).)

(d) Is road or other lineal construction in excess of one-eighth of a mile anticipated? (LM 10.060(5)(d).) *(Revised by Order No. 80-7-22-5; Effective 7.22.80)*