

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

The Dredge Material/Mitigation Site Combining District (/DMS-FCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary Shorelands as identified in the Florence Comprehensive Plan. The purpose of the /DMS-FCP Zone is to protect designated dredge material disposal sites and mitigation sites. In addition to the requirements in this section, the requirements of the base zone, the coastal combining zone, and the adjacent estuary zone apply. Where there are conflicts among the provisions of this chapter, the stricter requirements apply. If the Shorelands are adjacent to the estuary, refer to the adjacent estuary zone for additional allowed uses and criteria. The requirements of any adjacent estuary zone supersede the requirements of this section of this chapter. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 16-11, 2.9.17)*

**10.260-10 Permitted Uses and Buildings.**

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

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

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

(3) Mitigation. Mitigation is limited to those sites specifically identified as mitigation sites in the Lane County Dredged Materials Disposal Plan, as amended. Mitigation must comply with the criteria in LC 10.260-15. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 6-83, 4.15.83; 16-11, 2.9.17)*

**10.260-15 Dredging and Mitigation Site Criteria.**

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

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

(3) Responsibility to Acquire Mitigation/Restoration Sites: The County is not required to acquire sites to mitigate for actions for which other agencies are responsible, including the dredging of the navigation channel and development of the estuary. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 16-11, 2.9.17)*

**10.260-20 Dredge Material Disposal Site Criteria.**

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

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

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

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

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

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

(6) Dredge spoil disposal must provide adequate run-off protection and, wherever possible, maintenance of a riparian strip along the water. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

#### **10.260-25 Conditional Uses.**

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

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

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

(3) Recommendations of the Port of Siuslaw must be weighed heavily in consideration of proposed use. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

#### **10.260-30 Notification of Port of Siuslaw.**

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

(1) Conditional use permit.

(2) Special use.

(3) Building permit.

(4) Rezoning. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.260-35 Responsibility to Acquire Mitigation/Restoration Sites.**

The County is not required to acquire sites to mitigate for actions for which other agencies are responsible including the dredging of the navigation channel and development of the estuary. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.260-40 Stabilization of Dredged Materials.**

The Port of Siuslaw, the Corps of Engineers or other lead agency have the responsibility to stabilize any dredged materials deposited on a site. Stabilization must be done with appropriate vegetation after the materials are appropriately drained. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

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

The purpose of this Section is to apply additional development standards to areas with potential natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water within the Florence Interim Urbanizing Area. Compliance with these standards is required in order to obtain a Special Use Permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.261-10 Identification of Potential Problem Areas.**

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

- (1) "Soils Map", Florence Comprehensive Plan Appendix 7.
- (2) "Beaches and Dunes Overlay Zone." See LC 10.265 and 10.270 for combining zone requirements. Where conflicts exist between those requirements and these, the more restrictive requirements must apply.
- (3) Other information made available may also be used to identify potential problem areas. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.261-15 Development Standards.**

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

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

(3) Active Dune Advancing Edge: No building is permitted within one hundred feet (100') of the leading edge of an active dune, except by the Director approval where it can be shown by accepted engineering practices or treatment, or a County approved mitigation plan that no significant sand hazards are likely to occur. Applicant must demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant must also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the North Florence sole source aquifer or wildlife.

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

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

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

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

(8) Yaquina Soils and Wet Areas: In areas with seasonal standing water, construction of a drainage system and/or placement of fill material must be required according to plans prepared by a registered engineer and approved by the County. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

### **10.261-20 Site Investigation Reports (SIR).**

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

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

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

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the County. This exception would apply to flood-prone areas, which are subject to

requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code.

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

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

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

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

(c) Acceptable development density.

(d) Identification of soils and bedrock types.

(e) Identification of soil depth.

(f) Water drainage patterns.

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

(h) History of mud or debris flow.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Slopes greater than 25%:

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

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

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

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

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

(vi) The methodology for determining the site stabilization plan

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

(e) Foredunes:

(i) Identification of a surveyed mean high tide line

(ii) Determination of the ocean shore vegetation line

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

(iv) Historic stability of beaches in the general area

(v) Life expectancy of the structure

(vi) Elevation of the structure

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

(viii) History and projection of ocean flooding and methodology

(f) Properties along the Siuslaw River Estuary:

(i) Angle of repose for bluff material

(ii) Mean high tide, and highest measured tide

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

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

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

(vi) Projected rate of erosion and methodology

(vii) Environmental resources present

(viii) Impacts to be expected

(ix) Description and photographs of current vegetation

(g) Riprap or other Shoreland protective structures:

(i) Signed certification by the engineer or geologist that the protective structure will withstand the life of the development that it is protecting; or with the property maintenance plan, the structure will withstand the life of the development.

(ii) Once the protective structure is completed the engineer or geologist must provide a final summary that the protective structure was built according to the submitted plan.

(h) Soils: The Site Investigation Report must address the following development constraints for the soil types.

(i) Brallier - These are wetlands which should not be developed due to their resource value and severe development constraints.

(ii) Dune Land - Development limitations on sand dunes can be slight to severe, depending on slope and whether adequate stabilization is done. These areas are superior to some of the other soil types in that there is no drainage problem. These areas are also known to include active sand dunes. Dune stabilization techniques should be addressed.

(iii) Heceta - These are interdunal swales and deflation plains. The high water table and poor drainage make these soils generally unsuitable for development.

(iv) Waldport - These are sand dunes which are covered with stabilization vegetation. Conditions are moderate to severe, depending on slope. The particular need here is to preserve existing vegetation and to stabilize soil which is disturbed. Drainage is not a problem. Areas with slopes greater than 12% should not be built on unless a site investigation determines the site to be buildable.

(v) Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.

(vi) Netarts - These are old stabilized dunes. Soils are well-drained. The topography is undulating to hilly. Where slopes are less than 12% there are few development restrictions.

(vii) Bohannon; Preacher/Bohannon/Slickrock - These areas have no restrictions except slope and suitability for forestland. They occur east of Munsel Lake Road in areas which are largely unbuildable due to slope. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

### **10.261-25 Review and Use of Site Investigation Reports.**

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

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

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

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

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

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

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

(4) Approval: The property owner must record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and must state, "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the Lane Code current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project." *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

## **FLORENCE BEACHES AND DUNES COMBINING ZONE ADMINISTRATION**

### **10.265-05 Geographic Extent.**

Coastal areas within the Florence Urban Growth Boundary subject to this section include beaches, active foredunes, and other foredunes which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. These areas, as they apply within the Urban Growth Boundary are shown on the official Lane County Coastal Zoning Maps. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

### **10.265-10 Policy Basis.**

The Beaches and Dunes Combining Zone (/BD-FCP) implements policies in the Florence Comprehensive Plan. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

### **10.265-15 Site Investigation Report.**

All land use and development permit reviews in an area where the Beaches and Dunes Overlay Zone applies must meet the requirements for a Site Investigation Report in LC 10.265 and the requirements in the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast unless specifically exempted in this code. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

### **10.265-20 Consultant's Reports.**

Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein; the application may be required to submit a supplementary report containing findings prepared by engineer, geologist, biologist, or other qualified consultant. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.265-25 Uses Subject to State and Federal Permits.**

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

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

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

(4) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.265-30 Relationship to Base Zones.**

The requirements of the Beaches and Dunes Combining Zone are in addition to those imposed by the zone or zones with which it is combined. If the /BD-FCP zone conflicts with the requirements of zone or zones with which it is combined, the more restrictive requirements apply. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**BEACHES AND DUNES COMBINING ZONE (/BD-FCP)****10.270-05 Purpose.**

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

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

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

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

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

(5) To provide for such protection of beach and dune resources above and beyond that provided by the zone or zones with which it is combined. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

**10.270-10 Prohibited Development.**

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

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

(3) Buried fuel tanks. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.270-15 Permitted Uses.**

No uses permitted outright in this Combining Zone. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

**10.270-20 Conditional Uses.**

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

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

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

(b) Designed to minimize adverse environmental effects.

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

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

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

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

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

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

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

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

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

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

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

(13) Permits for beachfront protective structures may be issued only where development existed on January 1, 1977. "Development" in this context refers to houses, commercial and industrial buildings and vacant subdivision lots which are physically

improved through construction of streets and provision of utilities to the lot and includes areas where a Statewide Planning Goal 18 exception to the requirement in Code Section B.1. has been approved. The proposed use must meet all of the following additional criteria:

- (a) Visual impacts are minimized
- (b) Necessary access to the beach is maintained
- (c) Negative impacts on adjacent property are minimized
- (d) Long-term or recurring costs to the public area avoided. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.270-25 Coastal Shore Setback Requirements.**

Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback is determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. At a minimum, structures must be set back from the mean high tide line at least 100 feet measured horizontally. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

**10.270-30 Additional Site and Development Requirements.**

The following requirements apply to all development:

- (1) Development must not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, septic requirements, and fire safety requirements.
- (2) Vegetation-free areas which are suitable for development must be used instead of sites which must be artificially cleared.
- (3) Areas cleared of vegetation during construction must be replanted within nine months of the termination of major construction activity.
- (4) Sand stabilization is required during all phases of construction.
- (5) Development must result in the least topographic modification of the site as is possible.
- (6) Significant structural loads or structural fills to be placed on dune areas where, based on the Site Investigation Report, compressible subsurface areas are suspected, is allowed only after a thorough foundation check and positive findings are reported.
- (7) The requirements for yards, setback, area, vision clearance and parking spaces is as provided in the zone with which the /BD-FCP is combined unless specifically provided otherwise by the provision of the /BD-FCP Zone. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

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PAGES 10-662 THROUGH 10-680  
ARE RESERVED FOR FUTURE EXPANSION