

Lane Code  
CHAPTER 16 CONTENTS

CONSERVATION ESTUARY ZONE (CE-RCP) RURAL COMPREHENSIVE  
PLAN

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**CONSERVATION ESTUARY ZONE (CE-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.235 Conservation Estuary Zone (CE-RCP).**

(1) Purpose. The purpose of the Conservation Estuary Zone CE-RCP 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 zone.

(2) Permitted Uses. In the CE-RCP Zone, 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.

- (a) Low-intensity, undeveloped recreation which is water dependent.
- (b) Scientific and educational observation.
- (c) Navigational aids, such as beacons and buoys.
- (d) Passive estuarine restoration measures.
- (e) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.
- (f) Natural resource preservation, including protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (g) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values and public facilities.
- (h) Bridge crossings.
- (i) Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
- (j) Communication facilities.
- (k) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
- (l) Boat ramps for public use where no dredging or fill for navigational access is needed.
- (m) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
- (n) Installation of tidegates in existing functional dikes.
- (o) Bridge crossing support structures and dredging necessary for their installation.
- (p) Noncommercial clamming and fishing.
- (q) 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.
- (r) Log storage; provided the storage occurs at sites under lease from Division of State Lands on July 24, 1980 and provided all state and federal agency requirements are met.
- (s) The following transportation facilities and uses, provided no filling or dredging is required:
  - (i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.
  - (ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to approval by the Director pursuant to LC 14.100. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an impact assessment as set forth in LC 16.249.

(a) (i) Uses. Private single-family, single-purpose piers or docks.  
 (ii) Criteria and Conditions.  
 (aa) 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 Rural Comprehensive Plan.

(bb) The use is compatible with requirements of adjacent shorelands' Rural Comprehensive Plan designation.

(cc) The applicant attests in writing on a form provided by the Planning Director that no alternatives to the proposed structure are feasible.

(dd) The size and design of the structure is limited to that required for the intended use.

(b) (i) Uses. New or expanded log storage sites not otherwise provided for in LC 16.235(2)(r) above.

(ii) Criteria and Conditions.  
 (aa) Water storage is integral to continued operation of the associated wood processing facility.

(bb) There are no feasible upland alternatives.

(cc) The log storage operation meets Department of Environmental Quality Standards for log storage.

(dd) 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.

(ee) Public need is demonstrated.

(c) (i) Uses.  
 (aa) Public docks and piers.  
 (bb) Private multifamily docks and piers.  
 (cc) Mooring buoys which are permanently anchored to estuary floor.

(dd) Dolphins.

(ii) Criteria and Conditions. 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 Rural Comprehensive Plan.

(d) (i) Uses.  
 (aa) Boat launching ramps.  
 (bb) Public beaches requiring estuarine modification.  
 (cc) Minor dredging to improve navigability.

(ii) Criteria and Conditions.  
 (aa) An estuarine location is required.  
 (bb) No alternative locations exist which are designated as Development in the Lane County Rural Comprehensive Plan.

(cc) Adverse impacts on resources are minimized. These resources are as identified in the Lane County Rural Comprehensive Plan.

(dd) No alternative shoreland locations exist for the portions of the use requiring fill.

(ee) Public need is demonstrated.

(e) (i) Uses. Erosion control structure, including, but not necessarily limited to, seawalls, bulkheads, groins and jetties.

(ii) Criteria.

(aa) The criteria and conditions specified under Special Uses, LC 16.235(3)(d)(ii)(aa)-(ee) above are met.

(bb) The use being protected is water dependent.

(cc) Adverse impacts on water currents, erosion and accretion patterns are minimized as much as feasible.

(dd) Nonstructural solutions are inadequate to protect the use.

(f) (i) Uses. Active estuarine restoration involving dredge or fill.

(ii) Criteria.

(aa) Public need is demonstrated.

(bb) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(cc) Any restoration action related to the distribution and abundance of relevant amenities and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original Conditions.

(g) (i) Uses Riprap and associated minor fills to protect preexisting structures or specified values.

(ii) Criteria.

(aa) The use is required to protect human-made structures existing prior to October 7, 1977 or critical wildlife habitat in adjacent shorelands as identified in the Lane County Rural Comprehensive Plan.

(bb) Natural bank stabilization measures are inadequate.

(h) (i) Uses.

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

(bb) Aquaculture requiring dredge and/or fill or other alteration of the estuary.

(cc) Minor navigational improvements.

(dd) Mining and mineral extraction, including dredging necessary for mineral extraction.

(ee) Other water-dependent uses requiring occupation of water surface area by means other than dredge or fill.

(ii) Criteria and Conditions.

(aa) The criteria and conditions listed under Special Uses LC 16.235(3)(d)(ii)(aa)-(ee) above are met.

(bb) The use is consistent with the resource capabilities of the area as measured by the following definition: a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or it is documented that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biological productivity, recreational and aesthetic values and aquaculture.

(cc) Associated land uses, if any, on adjacent shorelands comply with applicable Lane County land use and zoning regulations.

(i) (i) Uses. Temporary alterations.

(ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the CE-RCP zone.

(4) Applicable Natural Features. The boundaries of the CE-RCP Zone are defined by natural features. The CE-RCP Zone includes minor tracts of salt marsh, tidflats, eelgrass and algae beds; those not included in the Natural Estuary Zone (NE-RCP). This zone 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 16.252(9).

(5) Uses Subject to State and Federal Permits.

(a) 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.

(b) 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.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal Permit, lease, easement or similar type of authorization.

(6) 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:

(a) The use is required for navigation or is otherwise water dependent and requires an estuarine location, or is specifically allowed by the CE-RCP zone; and

(b) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

(c) No feasible alternative upland locations exist; and

(d) Adverse impacts on identified estuarine values are minimized.

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses and activities which could alter the estuary shall only be allowed if the requirements in LC 16.235(6)(b), (c) and (d) above are met.

(7) Telecommunication Towers. Notwithstanding LC 16.235(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.235 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02; 10-04, 6.4.04)*

**DEVELOPMENT ESTUARY ZONE (DE-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.236 Development Estuary Zone (DE-RCP).**

(1) Purpose. The primary purpose of the Development Estuary Zone DE-RCP is to provide for navigational needs and public, commercial and industrial water dependent uses which require an estuarine location. Uses which are water related or non-water dependent, non-related which do not damage the overall integrity of estuarine resources and values should be considered; provided they do not conflict with the primary purpose of the zone.

(2) Permitted Uses. In the DE-RCP Zone, the following types of uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exception set forth in this Chapter; provided that no such use may be permitted which involves dredging or filling of the estuary.

(a) The following waterborne transportation and associated water dependent activities and uses:

- (i) Navigational aides.
- (ii) Maintenance dredging of navigation channel.

(b) The following commercial activities and uses which are water dependent:

- (i) Marine fueling facilities.
- (ii) Marinas.
- (iii) Loading and unloading facilities such as piers or docks.

(c) The following industrial activities and uses which are water dependent:

- (i) Marine construction and repair facilities.
- (ii) Log storage.

(d) The following public facilities which are water dependent.

- (i) Marinas.
- (ii) Docks and piers and other moorages.
- (iii) Boat launching ramps.

(e) The following transportation facilities and uses, provided no filling or dredging is required:

(i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses Approved by the Planning Director. The following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.

(a) (i) Uses. Any water dependent use not specifically authorized in LC 16.236(2) above; provided that no such use may be permitted which involves dredging or filling of the estuary.

(ii) Criteria. The use is water dependent.

(b) (i) Uses. Flow-lane disposal of dredged material.

(ii) Criteria. Such action shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.

(c) (i) Uses. Flood and erosion control structures, including, but not necessarily limited to, jetties, seawalls, groins and bulkheads.

(ii) Criteria and Conditions.

(aa) The criteria specified in LC 16.236(4) below are met.

(bb) The structures are designed and sited to minimize erosion and human-induced sedimentation in adjacent areas.

(cc) The structures are designed and sited to minimize adverse impacts on water currents, water quality and fish and wildlife habitat.

(dd) The use or uses to be protected by the proposed structures are water dependent.

(d) (i) Uses. Riprap and associated minor fills to protect human-made structures existing prior to October 7, 1977.

(ii) Criteria and Conditions. Natural bank stabilization measures are inadequate.

(e) (i) Uses. All other uses; provided no dredging or filling is required.

(ii) Criteria.

(aa) A public need is demonstrated.

(bb) The use will not irrevocably limit future use of the area for water dependent commercial or industrial facilities.

(cc) The use will have minimal impact on resources, as identified in the Lane County Rural Comprehensive Plan, in the area affected by the proposed use.

(f) (i) Uses.

(aa) Low-intensity recreation which is water dependent.

(bb) Scientific and educational observation.

(cc) Active estuarine restoration.

(dd) Aquaculture.

(ee) Communication facilities.

(ff) Bridge crossing support structures.

(ii) Criteria and Conditions .

(aa) The criteria specified in LC 16.236(4) below are met for any use or activity requiring dredge or fill.

(bb) The use or activity will not irrevocably limit the future or present use of the area for water dependent commercial or industrial facilities.

(cc) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(dd) Any restoration action related to the distribution and abundance of relevant amenities and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.

(g) (i) Uses. Any uses specified in LC 16.236(2) above which involve dredging or filling of the estuary.

(ii) Criteria. The criteria specified in LC 16.236(4) below.

(h) (i) Uses. Temporary alterations.

(ii) **Criteria.** A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the DE-RCP zone.

(4) 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:

(a) The use is required for navigation or is otherwise water dependent, and requires an estuarine location, or is specifically allowed by the DE-RCP zone; and

(b) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

(c) No feasible alternative upland locations exist; and

(d) Adverse impacts on identified estuarine values are minimized.

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses and activities which could alter the estuary shall only be allowed if the requirements of LC 16.236(4)(b), (c) and (d) above are met.

(5) Applicable Physical, Geographical or Natural Features. The DE-RCP Zone 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 16.252(9).

(6) Uses Subject to State and Federal Permits.

(a) 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.

(b) 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.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(7) Telecommunication Towers. Notwithstanding LC 16.236(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.236 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02; 10-04, 6.4.04)*

**SIGNIFICANT NATURAL SHORELANDS COMBINING ZONE (/SN-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.237 Significant Natural Shorelands Combining Zone (/SN-RCP).**

(1) Purpose. The Significant Natural Shorelands Combining Zone /SN-RCP is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing a combination of unique physical, social or biological characteristics requiring protection from intensive human disturbances. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /SN-RCP Zone is applied to prominent aesthetic features, such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas.

The /SN-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /SN-RCP Zone that require protection beyond that provided by the zone or zones with which the /SN-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /SN-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /SN-RCP Zone is combined. Where the requirements of the /SN-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /SN-RCP Zone by the Preliminary Investigation specified in LC 16.237(10) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /SN-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

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

(f) Dredged material disposal when the /SN-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(g) Mooring buoys, multipurpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /SN-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.237(6), (7) and (8) below.

(ii) Criteria and Conditions.

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

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

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

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

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

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary:

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /SN-RCP Zone is combined.

(cc) The use meets all criteria and conditions of the appropriate estuary zone.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /SN-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.237(5) below.

(ii) Criteria.

(aa) All applicable criteria provided within the respective zone with which the /SN-RCP Zone is combined are met.

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

(cc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Department of Public Works, Land Management Division, shall be the proper consulting agency in this regard.

(dd) All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

- (ii) Criteria.
  - (aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.
  - (bb) Natural bank stabilization methods are unfeasible or less appropriate.
- (f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.
  - (ii) Criteria.
    - (aa) 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 non-piling-type floating piers.
    - (bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).
    - (cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.
- (5) Prohibited Uses. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following uses are specially prohibited:
  - (a) Fill in coastal lakes.
  - (b) Fill in freshwater marsh areas as identified in the Lane County Rural Comprehensive Plan.
- (6) Site and Development Requirements. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /SN-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /SN-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.
  - (a) 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.
  - (b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.
  - (c) 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 16.237(6)(a) above. Where vegetation removal beyond that allowed in LC 16.237(6)(a) 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.
  - (d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /SN-RCP Zone is combined.
  - (e) No topographic modification is permitted within the 100-foot setback area specified by LC 16.237(7) below.
  - (f) The shoreward half of the setback area specified by LC 16.237(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.
  - (g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.237(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.237(7) below.

(i) All mature trees must be retained within the setback area specified by LC 16.237(7) below, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

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

Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /SN-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 100 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 100 feet shall be as specified in LC 16.237(6)(e)-(h) above.

(b) 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.

(8) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /SN. RCP Zone, based on the Preliminary Investigation in LC 16.237(10) below. These criteria are in addition to minimum area requirements of any zone combined with the /SN-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development:

(i) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact quality, and not increase hazard to life or property.

(b) For lands not within urban or urbanizable areas or lands developed or committed to development:

(i) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.

(9) Additional Area Requirements. Land divisions meeting the above specified criteria are permitted, subject to the minimum area requirements of the respective zone or zones with which the /SN-RCP Zone is combined or 10 acres, whichever is greater.

(10) Preliminary Investigation. Any proposal for development within the /SN-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /SN-RCP Zone shall apply. The requirements of the /SN-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and floodway fringe.

(ii) Land lying between the mean high water and mean low watermark of the coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability which are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone would be inadequate to protect water quality, water temperature or shoreline stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) 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:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.

(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) 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.

(iii) Habitat. Other than that listed in LC 16.237(10)(c)(i)(cc) above, which supports rare or endangered species.

(e) 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 Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

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

(11) 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.

(12) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels

subject to the requirements of the /SN-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.237(10) above.

(13) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500.

(14) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(15) Uses Subject to State and Federal Permits.

(a) 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.

(b) 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.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) 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.

(e) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(16) Application of Zone to Federal Lands. The application of the /SN-RCP Zone 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 Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10; 7-12, 12.28.12)*

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