



## LAND MANAGEMENT DIVISION

### RIPARIAN ENHANCEMENT PROJECTS IN THE SPECIAL FLOOD HAZARD AREA

**PUBLIC WORKS DEPARTMENT 3050 NORTH DELTA HIGHWAY, EUGENE OR 97408**  
**PLANNING: 541-682-3577 BUILDING: 541-682-4651 SANITATION: 541-682-3754**

*This guide provides general information about floodplain requirements and how to proceed if your project is in the special flood hazard area (SFHA). This guide is for informational purposes and is not to be considered a substitute for the language of federal or local floodplain regulations. Specific language is found in Lane Code 16.244.*

#### WHY DOES LANE COUNTY REGULATE ENHANCEMENT PROJECTS WITHIN THE FLOODPLAIN?

Lane County recognizes that certain projects can be a benefit to natural ecosystems and in the long term can benefit floodplain health and function. However Lane County is still required to review these projects in order to ensure that activities occurring within the floodplain do not create risks to public health safety and general welfare or create the potential for public and private losses within mapped floodplain areas.

#### WHAT ARE SPECIAL FLOOD HAZARD AREAS?

Special Flood Hazard Areas (SFHA's) are the areas within the floodplain that have been determined to have a 1% annual chance of flooding –commonly referred to as the base flood or the 100-year flood. These hazard areas have been depicted on a series of maps known as FIRMs or Flood Insurance Rate Maps. As a participating member of the NFIP, Lane County must review all development and determine if proposed development falls within a SFHA, as shown in the appropriate FIRM.

#### HOW CAN I DETERMINE IF MY PROJECT IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA?

To find out if your property/project is within the SFHA, speak with a planner. They are available Monday through Friday from 9:00am to 4:00pm at our office. Or you may call the planning information message line 24 hours a day. The number is (541) 682-3577. Please have a property address or a map and tax lot number ready when you call.

The planner will review your property file to see if any current flood hazard data and mapping has been generated for your land. Generally, specific flood information for your property will exist if any new construction has commenced since June 2, 1999. A copy of this information is available upon request. If no specific mapping has been completed for your property, you may request to have your parcel or development mapped onto the Flood Insurance Rate Map for a fee. This process, known as **Floodplain Verification**, takes several days to several weeks to complete. Staff will mail the conclusion of the floodplain verification to you.

If an enhancement project is being conducted on your property by a local Watershed Council, Land Trust or Soil and Water District, the appropriate agency staff should submit a **LUCS**

(Land Use Compatibility Statement) to the Land Management Division. As part of this LUCS review Planning staff will identify what development standards of Lane Code apply to the project such as riparian, greenway, zoning or floodplain regulations.

If your project is determined to be within the mapped floodplain then you will need to submit a **Floodplain Development Permit** prior to commencing your project. If your development is found to be located outside of the floodplain, then your project is not subject to the floodplain regulations in Lane Code.

#### RIPARIAN PERMIT REQUIREMENTS

Please be aware that in addition to a Floodplain Development Permit, additional permits may be required if the proposed project is within or near a regulated "Class 1" waterway. As part of the LUCS review process staff will inform you of these additional requirements. In some instances, riparian permit requirements may be waived for qualifying enhancement projects. Refer to Lane Code 16.253(2)(d) for more information about these possible exemptions.

#### DEVELOPMENT IN THE SFHA's

Building in the Special Flood Hazard Area includes all structures, manufactured homes, and "*development*" as defined in LC 16.244(6). For the purposes of LC 16.244, "*development*" is defined in LC 16.090, and shall include "dredging, paving, and drilling operations and the storage of equipment and materials." LC16.090 defines development as "the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading, including the removal or destruction of vegetation within a protected riparian setback area designated by the Rural Comprehensive Plan."

Development includes **riparian enhancement or restoration projects** such as; bridge/ culvert construction, excavation, landfill or grading, removal of vegetation within a riparian zone, placement of large woody debris, and the storage of equipment and materials. Additionally, watercourse alterations or relocations are considered development. This would include work to re-establish or improve historical watercourse routes and re-contouring streambeds or sides.

## WHAT ARE MY OPTIONS IF MY PROJECT IS WITHIN THE SPECIAL FLOOD HAZARD AREA?

Floodplain development permits are issued in order to ensure that the specific criteria of the Lane Code Floodplain Combining Zone has been satisfied. The following permits take about a month to process once the application is complete;

Fill or excavation of materials: you will need a Floodplain: Fill or Removal Permit.

Watercourse alteration or relocation: This process will require notification to the Department of Land Conservation and Development and adjacent communities (see Lane Code 16.244(7)(h)&(i) and LC 16.244(8)(c)). Therefore, a Floodplain Development Permit: Watercourse Alteration or Relocation permit is necessary.

Bridge or Culvert repair/replacement: you will need a Floodplain Development Permit. The development may need to comply with provisions in LC 16.244(8)(d) Table 1, such as foundations and anchoring, elevation requirements for bridge deck (floor), or new roads.

## WHAT ARE THE APPLICATION SUBMITTAL REQUIREMENTS?

The following information is helpful when submitting a floodplain application:

1. The applicable application (with associated processing fee). Applications can be obtained from our office or website at <http://www.lanecounty.org/planning>
2. A detailed project description including all proposed activities and future development if a phased plan is contemplated. This includes permanent and temporary actions.
3. Provide a site plan showing the location of the project on the subject property(s). A profile or cross section view of the restoration project showing existing and proposed finished grade.
4. Explain the steps that will be taken to restore the area to its natural condition (e.g.: erosion control, restoration of native riparian species, restoration of historical hydraulic flow).
5. Amount of fill/removal (if any).
6. Project start/end date.
7. List other State and Local permits associated with the project and submit the Joint Permit application if applicable or available.
8. Address any development standards associated with the project found in Table 1 under LC 16.244(8)(d).
9. For bridge/culvert or watercourse alteration/relocation permits or placement of large woody debris, certification from an engineer stating that the project was designed so that the watercourse's flood carrying capacity is not diminished and in accordance with FEMA floodplain development standards.

Alternatively, for fill, bridge/culvert or watercourse alteration/relocation, or placement of large woody debris projects administered and completed by an active watershed councils/district the project may be allowed pursuant to FEMA Region 10 guidelines and these standards below:

- a) the project qualifies for a Department of the Army, Portland District Regional General Permit for stream habitat restoration;
- b) a qualified professional (a regional professional engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep an rise in 100-year flood levels as close to zero as practically possible given the goals of the project;
- c) no structures would be impacted by a potential rise in flood elevations; and
- d) an agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged.

Note, if the project is located in an area where the base flood elevation has been provided but floodways have not, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

## ARE MINOR PROJECTS EXEMPT FROM FLOODPLAIN REQUIREMENTS?

This may be determined by staff with submittal of a Floodplain Verification or a LUCS application on a case-by-case basis.

## WHAT IF MY PROJECT IS LOCATED WITHIN THE FLOODWAY?

Floodways are established to convey flood waters with higher velocities and potential debris during a 100-year event. All development will need to comply with the provisions in LC 16.244(8)(c). Development in the Floodway requires a Planning Director approval permit under a Floodway Development Permit. A floodway permit can take from 2-3 months to process. In the application address items 1-8 in this guidance handout and provide evidence to satisfy LC 16.244(8)(c) (refer to FEMA guidance document "Procedures for No-Rise Certification for Proposed Development in the Regulatory Floodway").

If your project is being administered and completed by a local watershed district then a Floodway Development Permit will be necessary along with information to support items 1- 9 in this guidance handout.

### Related Brochures

Development in the Special Flood Hazard Area

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