LAND MANAGEMENT DIVISION

LAND USE APPLICATION - ADMINISTRATIVE
Shoreline boundary preliminary Investigation
Prime Wildlife Combining Zone

PUBLIC WORKS DEPARTMENT ***3050 N. DELTA HWY, EUGENE OR 97408 Planning: 541-682-3577***

For Office Use Only: *FILE #* *FEE:*

Applicant (print name):_____

Mailing address: _____

Phone: _____ Email: _____

Applicant Signature: _____

Agent (print name):_____

Mailing address: _____

Phone: _____ Email: _____

Agent Signature: _____

Land Owner (print name):_____

Mailing address: _____

Phone: _____ Email: _____

Land Owner Signature: _____

LOCATION

_____

Township Range Section Taxlot

_____

Site address

PROPOSAL: A request for a Preliminary Investigation prior to development in the Prime Wildlife Combining Zone, pursuant to Lane Code 16.238.

This application is based on objective evidence and is not a land use decision; therefore, the decision is not subject to public notice and may only be appealed by the applicant.

INSTRUCTIONS: Completely fill out this application form. Attach additional pages if necessary. Failure to submit a complete application or answer every question will result in a delay or rejection of your application.

The Preliminary Investigation will determine the presence of any hazards to the proposed development and the appropriate mitigation measures.

PROJECT DESCRIPTION What are you proposing? What are you going to build?

_____

_____

_____

SITE PLAN A site plan must be included. Refer to the handout entitled "How to prepare your site plan".

ZONING: _____

ACREAGE: _____

LOCATION Describe how to find the property. Is the address visible? Are there any identifying features?

_____

_____

_____

_____

EXISTING IMPROVEMENTS Does the property contain any roads, structures, etc.?

_____

_____

_____

STAKE OUT THE DEVELOPMENT AREA. The location of the structure(s) must be staked out on the site and identified with colored ribbon or a similar item.

PHYSICAL FEATURES: Describe the site. Generally describe the vegetation. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features.

_____

_____

_____

_____

_____

APPLICABILITY

16.238 PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-RCP).

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

To the best of your knowledge, do any of the following conditions exist at the site? Check all that 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 the floodway fringe.

(ii) Land lying between the mean high, high water and mean low water mark of 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 (LC 16.243) would be inadequate to protect water quality, water temperature or shoreland 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 16.238(9)(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.

APPROVAL CRITERIA

Answer every question. Attach additional pages if necessary.

(5) Prohibited Uses. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigations specified by LC 16.238(9), the following uses are specifically prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in Lane County Rural Comprehensive Plan.

(c) New piling-type piers of any descriptions when adjacent to a Natural Estuary Zone (NE-RCP).

(d) Dredged material disposal.

Does your project include any of these activities? Yes No

If yes, explain: _____

_____

_____

(6) Site and Development Requirements. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.238(9), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /PW-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 /PW-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.

Footprint of the proposed structure(s): _____ sf

Total area of vegetation clearance: _____ sf

Explain why your proposed vegetation clearance is not excessive: _____

_____

_____

_____

(b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

Does the property contain any vegetation-free areas? Yes No

If you are not using the vegetation-free area, explain why: _____

_____

_____

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal or existing vegetation beyond that area required for the facilities indicated in LC 16.238(6)(a). Where vegetation removal beyond that allowed in LC 16.238(6)(a) 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.

Does your plan comply with this requirement? Explain: _____

_____

_____

(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /PW-RCP Zone is combined.

This will be a condition of approval.

(e) No topographic modification is permitted within the 50-foot setback area specified by LC 16.238(7).

This will be a condition of approval.

(f) The shoreward half of the setback area specified by LC 16.238(8) must be left in indigenous vegetation, except where un-surfaced trails are provided.

Does your plan comply with this requirement? Explain: _____

_____

_____

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.238(7).

Does your plan comply with this requirement? Explain: _____

_____

_____

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.238(7).

Does your plan comply with this requirement? Explain: _____

_____

_____

(i) All trees must be retained within the setback area specified by LC 16.238(7), except where removal is subject to requirements of the Oregon Forest Practices Act.

Does your plan comply with this requirement? Explain: _____

_____

_____

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

Does your plan comply with this requirement? Explain: _____

_____

_____

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

Does your plan comply with this requirement? Explain: _____

_____

_____

(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.

Does your plan comply with this requirement? Explain: _____

_____

_____

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

(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.238(6)(e)-(h).

Does your plan comply with this requirement? Explain: _____

_____

_____

(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.

Does your plan comply with this requirement? Explain: _____

_____

_____

(8) <u>Special Land Division Requirements</u>. The following criteria shall be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /PW-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 water quality, and not increase hazard to life or property.

(ii) The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Coastal Resources Management Plan.

(iii) Minimum area requirements for the division of land shall be based on the minimum parcel size in the zone with which the /PW-RCP Zone is combined, or five acres, whichever is greater.

Does your plan comply with this requirement? Explain: _____

_____

_____

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criteria, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

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

Does your plan comply with this requirement? Explain: _____

_____

_____