

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 20-02

In the Matter of Amending the Lane County Code to Adopt Revised Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) Along Lane County Coastal Areas and Code Amendments to Lane Code (LC) 16.244, Floodplain Combining Zone (FP-RCP) Rural Comprehensive Plan and LC 10.271, Floodplain Combining District (FP), Code Amendment Proposal Regarding Adding Coastal High Hazard Area Development Regulations.

The Board of County Commissioners of Lane County Ordains as follows:

1. Lane Code Chapter 10 and Chapter 16 is amended by making the deletions and additions as depicted in Exhibit A of this Ordinance, which is attached and incorporated by this reference, to code sections LC 10.271 and LC 16.244.
2. The Findings of Fact attached as Exhibit B and incorporated by this reference are adopted in support of the above amendments.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion constitutes a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

**ENACTED** this 21st day of April, 2020.



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Heather Buch, Chair  
Lane County Board of Commissioners



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Recording Secretary for this Meeting of the Board

At left margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE  
FORMAT**

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**SHORELANDS MIXED DEVELOPMENT COMBINING ZONE (/MD-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.241 Shorelands Mixed Development Combining Zone (/MD-RCP).**

- (1) Purpose. The Shorelands Mixed Development Combining Zone (/MD-RCP) is applied to those coastal shorelands which are recognized in the Lane County Rural Comprehensive Plan and supportive technical data as being all or partially committed to commercial and industrial uses. The proximity of these lands to the dredged channel of the Siuslaw River dictates that they be preserved for the expansion of existing water dependent and water related commercial or industrial uses; provided such uses cannot be accommodated within the urbanizable or urbanized area of the City of Florence.  
The /MD-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /MD-RCP Zone that require protection beyond that provided by the zone or zones with which the /MD-RCP Zone is combined, and imposes additional development requirements within those boundaries.  
In addition, the /MD-RCP Zone is specifically intended to carry out the following purposes:
  - (a) Provision, adjacent to deep water environments or shoreland sites for use by water dependent and water related commercial and industrial uses.
  - (b) Protection of previously existing water dependent and water related commercial and industrial sites in shoreland areas.
  - (c) Provision of opportunities for non-water dependent or non-water related uses within the parameters of the Lane County Rural Comprehensive Plan and Statewide Planning requirements.
  - (d) Protection of coastal waters and avoidance of geologic and hydrologic hazards.
- (2) Intent. The requirements imposed by the /MD-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /MD-RCP Zone is combined. Where the requirement of the /MD-RCP Zone conflict with the requirement of the zone or zones with which it is combined, the more restrictive requirements shall apply. Non-water dependent or non-related uses shall only be allowed if the parcel in question has been demonstrated unsuited for water dependent or water related uses.
- (3) Permitted Uses. In areas found subject to the requirements of the /MD-RCP Zone by the Preliminary Investigation specified by LC 16.241(8) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section:
  - (a) The following boat moorage and storage facilities:
    - (i) Dry land storage.
    - (ii) Shore-secured floating moorage facilities, mooring buoys, piling-type piers and launch ramps; provided such facilities are located within adjacent Development Estuary Zones (DE-RCP) or a lake.
  - (b) The three wood processing facilities identified and found to be water dependent in the Coastal Goals Compliance Report element of the Lane County Rural Comprehensive Plan.
- (4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the following specified uses and no others are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.
  - (a) Uses.
    - (i) Water dependent and water related commercial and industrial uses outside of urban and urbanizable areas.
    - (ii) Conditions and Criteria.

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- (aa) Uses cannot be accommodated within an urban or urbanizable area.
  - (bb) The site has the potential for water dependent and water related uses.
  - (cc) Short-term economic gain or convenience in development shall be evaluated in relation to potential long-term effects on the estuary and shoreland, as well as the long-term economy of the area.
  - (dd) Visual attractiveness of design and layout is considered.
  - (ee) Maintain or encourage riparian vegetation for erosion control, bank stabilization, maintenance of water quality and temperature aesthetics where feasible.
- (b) Uses.
- (i) New single-family dwelling units and mobile homes or other residential units and accessory buildings as allowed in the underlying zones outside of urban and urbanizable areas.
  - (ii) Criteria and Conditions.
    - (aa) The parcel is unsuited to water dependent or water related uses.
    - (bb) All requirements set forth in LC 16.241(6), (7) and (8) below are met.
- (c) Uses.
- (i) The following moorage facilities attached or connected to the shorelands and located in other than a Development Estuary Zone (DE-RCP) or a lake.
    - (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 meets the requirements of the respective estuary zone.
    - (bb) The use is not in violation of the purposes of the respective zone or zones with which the /MD-RCP Zone is combined.
- (d) Uses.
- (i) All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone with which the /MD-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as may be provided otherwise by the provisions of LC 16.241(3), (4) and (5) above and below.
  - (ii) Criteria and Conditions. The use is water dependent or water related, or if the parcels are unsuited to water dependent uses, then uses which are non-dependent, non-related, conforming to the requirements of the underlying zone and the requirements of LC 16.241(3), (4) and (5) above and below.
- (e) Uses.
- (i) Artificial bank stabilization.
  - (ii) Criteria.
    - (aa) Natural erosion processes threatening a water dependent use(s), or threatening non-water-dependent or non-water-related uses where it has been demonstrated that the parcel is unsuited for water-dependent or water-related uses.
    - (bb) Natural bank stabilization methods are deemed unfeasible or less appropriate.

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- (f) Uses.
  - (i) Filling coastal lakes or estuary adjacent to /MD-RCP Zone.
  - (ii) Criteria and Conditions.
    - (aa) Cumulative effects of all such fills shall be considered.
    - (bb) The fill is required to protect a water dependent use from erosion.
    - (cc) All requirements set forth in LC 16.241(6)(b) and (c) and LC 16.241(7) and (8) below apply.
    - (dd) If the fill meets the requirements of the respective estuary zone and the requirements of State and Federal agencies.
- (5) Determination of Land Suitable for Water Dependent/Water Related Uses. The following criteria shall be used to determine the suitability of land found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation, for water dependent, water related uses. Land not possessing one or more of the following characteristics shall be considered unsuitable for such uses:
  - (a) Land adjacent to deep water close to shore with supporting land transport facilities suitable for ship and barge facilities.
  - (b) Aquaculture suitability.
  - (c) Protected areas adjacent to shore, subject to scour which would require little dredging for marina use.
  - (d) Potential for high intensity recreational use of water body and existing riparian resources. Such areas include those areas used traditionally for high intensity recreation or exceptional aesthetic resources.
- (6) Site and Development Requirements. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /MD-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 /MD-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.
  - (a) Riparian vegetation shall be maintained or encouraged to promote bank stabilization, maintain water quality and temperature, reduce erosion and for general aesthetics, except where unfeasible in connection with a water dependent or water related use.
  - (b) The applicant must submit a complete analysis of all physical and biological impacts upon the shorelands area and upon coastal waters and water resources. The report shall consider, at a minimum, the critical relationships which exist between coastal shorelands and coastal water resources and the potential for geological and hydrological hazards:
  - (c) The benefits of the proposed activity to the long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality, temperature and resources, bank stabilization, erosion control and general aesthetics.
  - (d) 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) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /MD-RCP Zone, based on the Preliminary Investigation in LC 16.241(8) below. These criteria are in addition to minimum area requirements of any zone combined with the /MD-RCP Zone.

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- (a) For lands within urban or urbanizable areas or lands developed or committed to development: 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.
- (b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, 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 locations within urban or urbanizable areas or within areas developed or committed to development.
- (8) Preliminary Investigation. Any proposal for development within the /MD-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /MD-RCP Zone shall apply. The requirements of the /MD-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, high water and mean low watermark 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 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 16.241(8)(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.

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- (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.
- (9) 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.
- (10) 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 /MD-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.241(8) above.
- (11) 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 14.080 except for LC 14.080(1)(a).
- (12) 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) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.
- (13) Application of Zone to Federal Lands. The application of the /MD-RCP Zone shall be held in abeyance until such 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; 19-03, 10.29.2019)*

## **DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-RCP) RURAL COMPREHENSIVE PLAN**

### **16.242 Dredge Material Mitigation Site Combining Zone (/DMS-RCP).**

- (1) Purpose. The Dredge Material/Mitigation Site Combining Zone (/DMS-RCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary as identified in the Lane County Rural Comprehensive Plan. The purpose of the /DMS-RCP Zone is to ensure that sites designated for use for dredged material disposal or mitigation are not developed in a manner which would preclude that use. The /DMS-RCP Zone may only be applied, where appropriate, in combination with the three Estuary Zones (/NE-RCP, /CE-RCP, or /DE-RCP), or with the Significant Natural Shorelands Combining Zone (/SN-RCP), Natural Resources Conservation Combining Zone (/NRC-RCP), Residential Development Shorelands Combining Zone (/RD-RCP) and Shorelands Mixed Development Combining Zone (/MD-RCP) and the underlying zones with which the Shorelands zones are combined.

- (2) Permitted Uses and Buildings.
  - (a) Farm uses as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.
  - (b) Propagation and harvesting of forest products as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.
  - (c) Dredged material deposition; provided, however, such activity is limited to sites identified for that purpose in the Siuslaw River Dredged Material Disposal Plan.
  - (d) Activities in conjunction with a mitigation plan approved by the Division of State Lands; provided, however, such activities are limited to sites identified for that purpose by the Coastal Resources Management Plan.
- (3) Special Uses Subject to Further Review. Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted or which are conditional or special uses in the underlying zone are subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, based on the criteria below. The following criteria apply to review of a use in the /DMS-RCP Zone:
  - (a) The proposed use is temporary in nature or design and will be removed if or when the site is required for the purposes of this zone; or
  - (b) The proposed use is designed or sited on the parcel so as not to limit or preclude future use of the parcel for dredged material disposal as indicated in the Siuslaw River Dredged Material Disposal Plan, or for a potential mitigation project.
- (4) Stabilization of Dredged Materials. It shall be the responsibility of the party depositing dredged materials on a site to stabilize the site with appropriate vegetation when the materials are adequately drained.
- (5) Responsibility to Acquire Mitigation/Restoration Sites. It shall not be the responsibility of Lane County to acquire for use sites to mitigate for actions for which other agencies or persons are responsible, including the dredging of the navigation channel and development of the estuary. It shall also not be the responsibility of Lane County to acquire sites for restoration to the estuary. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96; 7-12, 12.28.12; 19-03, 10.29.2019)*

**BEACHES AND DUNES COMBINING ZONE (/BD-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.243 Beaches and Dunes Combining Zone (/BD-RCP).**

- (1) Purpose. The Beaches and Dunes Combining Zone (/BD-RCP) is intended to be used in conjunction with the underlying zones in all coastal beach and dune areas in order to:
  - (a) Ensure the protection and conservation of coastal beach and dune resources.
  - (b) To prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.
  - (c) To provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.
  - (d) To prevent cumulative damage to coastal dune resources due to the incremental effects of development.
  - (e) To provide for such protection of beach and dune resources above and beyond that provided by the underlying zone.
- (2) Intent. The requirements imposed by the /BD-RCP Zone shall be in addition to those imposed by the underlying zone. Where the requirements of the /BD-RCP Zone conflict with those of the underlying zone, the more restrictive requirements shall apply.
- (3) Permitted Uses. All permitted buildings and uses allowed in the respective zone with which the /BD-RCP Zone is combined, except as may be provided otherwise by the provisions of LC 16.243(4) below.



(4) Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, upon satisfaction of the applicable criteria:

(a) Uses.

(i) Beachfront protective structures.

(ii) Criteria.

(aa) The structure is to protect development existing on January 1, 1977.

(bb) Visual impacts are minimized.

(cc) Public access is preserved.

(dd) Negative impacts on adjacent property are minimized.

(ee) Long-term or recurring costs to the public are avoided.

(b) Uses.

(i) Buried fuel tanks.

(ii) Criteria.

(aa) The tanks are entirely free of leaks and have an impermeable coating.

(bb) The tank is located, to the greatest extent feasible, in a well-drained area.

(cc) The tank is not located in active foredunes, on other conditionally stable foredunes which are subject to ocean undercutting or wave overtopping, and on deflation plains subject to ocean flooding.

(c) Uses.

(i) Commercial removal of sand.

(ii) Criteria.

(aa) The area is not an ocean beach.

(bb) Historic surplus accumulations of sand exist.

(cc) A Site Investigation Report, as determined by the outcome of a Preliminary Investigation pursuant to LC 16.243(10) below.

(dd) Removal of surplus sand can be accomplished without significant impairment of the natural functions of the beach and dune system, and hydraulic processes according to the Site Investigation Report.

(d) Uses.

(i) Foredune breaching.

(ii) Criteria and Conditions.

(aa) The breaching is required to replenish sand supply in interdune areas; or

(bb) Emergencies on a temporary basis.

(cc) Such breaching does not endanger existing development.

(dd) The breaching does not adversely impact critical wildlife habitat.

(ee) The areas affected by the breaching are restored.

(e) Uses.

(i) Commercial drift log removal from beaches.

(ii) Criteria.

(aa) The removal will result in significant public benefit, improved recreational access, improved scenic values or protection of wildlife habitat.

(bb) The removal will not result in increased beach or foredune erosion which will endanger existing development.

(f) Uses.

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- (i) Jetties on beach areas.
- (ii) Criteria.
  - (aa) Adverse impacts on existing beach and shoreline development are minimized.
  - (bb) Public need is demonstrated.
- (g) Uses.
  - (i) All buildings and uses allowed conditionally or by special use approval in the respective zone with which the /BD-RCP Zone is combined.
  - (ii) Criteria and Conditions.
    - (aa) Applicable criteria provided within the respective zone with which the /BD-RCP Zone is combined.
    - (bb) All other provisions of this section.
- (5) Prohibited Development Areas. No development, with the exception of minimal development, shall be permitted on the following dune landforms:
  - (a) Beaches, except as provided for in LC 16.243(4)(a) above.
  - (b) Foredunes, if subject to wave overtopping or ocean undercutting.
  - (c) Active dune forms.
  - (d) Nearshore deflation plain. The prohibition of development of active dune areas is not intended to prohibit the stabilization of open sand areas with appropriate pioneer and successional species, thereby removing these lands from the active dune classification.
- (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 permit 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 of similar type of authorization.
- (7) Coastal Shore Setback Requirements. Any development, with the exception of development provided for as special uses in LC 16.243(4)(a) above, which is permitted adjacent to ocean beaches must be setback from the mean high tide line a minimum of 50 feet measured horizontally. This setback may be increased if the Preliminary Investigation indicates hazard to the site due to:
  - (a) Low elevation of the site with respect to potential for wave action.
  - (b) Instability of dune landforms protecting the site from wave action.
- (8) Additional Site and Development Requirements. The following requirements apply to all development, except the harvesting of timber as allowed by the Zone with which the /BD-RCP Zone is combined. Timber harvesting activities shall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas:
  - (a) Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, fire safety requirements and the required septic and sewage disposal system.
  - (b) Vegetation free areas which are suitable for development shall be used instead of sites which must be artificially cleared.
  - (c) Areas cleared of vegetation during construction in excess of those indicated in LC 16.243(8)(a) above shall be replanted within nine months of the termination of major construction activity.

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- (d) Sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.
- (e) Development shall result in the least topographic modification of the site as is possible.
- (f) Slopes in excess of 25 percent shall be prohibited from development.
- (g) Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, compressible subsurface areas are suspected, shall be allowed only after a thorough foundation check and positive findings are reported.
- (h) The requirements for yards, setback, area, vision clearance and parking spaces shall be as provided in the respective zone with which the /BD-RCP Zone is combined, unless specifically provided otherwise by the provision of the /BD-RCP zone.
- (9) Area Requirements. The minimum area for the division of land may be increased where the requirement otherwise is insufficient to meet the following standards:
  - (a) Environmental Quality Commission nitrate nitrogen loading standards for subsurface sewage disposal.
  - (b) No more than five percent impermeable surface shall be allowed.
- (10) Preliminary Investigation Required. Any proposal for development, with the exception of minimal development or timber harvesting activities as permitted by the respective zone with which the /BD-RCP zone is combined, shall require a Preliminary Investigation (Development Hazards Checklist) by the Planning Director to determine:
  - (a) The dune landform(s) present on the site.
  - (b) Hazards associated with the site.
  - (c) Hazards presented by adjacent sites.
  - (d) Existence of historical or archeological sites.
  - (e) Existence of critical fish or wildlife habitat as identified in the Lane County Coastal Inventory or sites identified by Nature Conservancy.
  - (f) Potential development impacts, including cumulative impacts.
  - (g) If a full or partial Site Investigation Report shall be required, the form of the Development Hazards Checklist is as specified by the Lane Manual.
- (11) Fee for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of the development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.
- (12) Site Investigation Reports (SIR). The Preliminary Staff Investigation (Development Hazards Checklist) shall determine if a Site Investigation Report is required and, if so, what components of the SIR must be completed.
- (13) Notification of SIR Requirement. The Planning Director shall notify the applicant of the results of the Preliminary Investigation and if a SIR shall be required. The notification shall be by mail within 10 days of completion of the Preliminary Investigation.
- (14) Responsibility for SIR Preparation. Preparation of the SIR is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.
- (15) Qualifications for SIR Preparation. The SIR shall be prepared by a person or team of persons qualified by experience, training and area. The applicant shall either:
  - (a) Choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, and approved by the Board of County Commissioners; or
  - (b) Designate a person or team of persons to prepare the SIR with said persons' qualifications, subject to the approval of the Planning Commission, based on standards established by the Board of County Commissioners.
- (16) Contents of SIR. The contents of the Site Investigation Report are specified in the standard SIR document as set forth in the Lane Manual.

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- (17) Condition Imposed Based on SIR Recommendations. Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development for the purposes of safety, health, welfare and in keeping with the purpose of the /BD-RCP Zone.
- (18) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, or the imposition of conditions based on the SIR, and the manner for such an appeal shall be as provided by LC 14.080 except for LC 14.080(1)(a).
- (19) Applicable Geographical Features. The /BD-RCP Zone is applied to all coastal beach and dune landforms as specified in the Lane County Rural Comprehensive Plan. These are:
- (a) Beaches.
  - (b) Foredunes.
  - (c) Active dune forms.
  - (d) Recently stabilized dune forms.
  - (e) Older stabilized dune forms.
  - (f) Interdune forms.

The boundaries of the /BD.-RCP Zone are shown on the Lane County zoning maps as specified by LC 16.252.

- (20) Application of Zone to Federal Lands. The application of the /BD-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; 6-10, 09.17.10; 7-10, 11.25.10; 19-03, 10.29.2019)*

### **FLOODPLAIN COMBINING ZONE (/FP-RCP) RURAL COMPREHENSIVE PLAN**

#### **16.244 Floodplain Combining Zone (/FP-RCP).**

- (1) Purpose. It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this section are designed to:
- (a) Protect human life and health.
  - (b) Minimize expenditure of public money and costly flood control projects.
  - (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
  - (d) Minimize prolonged business interruptions.
  - (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazards.
  - (f) Help maintain a stable tax base by providing for the sound use and development of areas as special flood hazard so as to minimize future flood blight areas.
  - (g) Ensure that potential buyers are notified that property is in an area of special flood hazard.
  - (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (2) Methods of Reducing Flood Losses. In order to accomplish its purpose, this section includes methods and provisions for:
- (a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

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- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
  - (c) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
  - (d) Controlling filling, grading, dredging and other development, which may increase flood damage.
  - (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- (3) Lands to Which This Section Applies. This section shall apply to all **Special Flood Hazard Areas (SFHA)** ~~areas of flood hazard~~ within **the jurisdiction of** Lane County, and overlay the regulations of the underlying zone.
- (a) Areas of **special** flood hazard for Lane County under the jurisdiction of the Rural Comprehensive Plan are identified by the Federal Insurance Administrator in a scientific and engineering report entitled "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON UNINCORPORATED AREAS", **dated June 2, 1999 and June 5, 2020** with accompanying Flood Insurance Rate Maps.
  - (b) Areas of flood hazard shall also include any land area designated by the Director as susceptible to inundation of water from any source where the above-referenced maps have not identified any special flood areas.
  - (c) Flood hazard areas shall be adopted by Board Order, made a part of Lane Manual (LM 11.020) and filed in the office of the Department. Such studies shall form the basis for the administration and implementation of this section.
- (4) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Lane County, any officer or employee thereof, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.
- (5) Development Subject to Director Approval. Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, and "development" as this term is defined in LC 16.244(6). Application for approval shall be filed with the Department pursuant to Type I procedures of LC Chapter 14.
- (6) Definitions. Except as otherwise provided in LC 16.244, the definitions below shall be used for LC 16.244.
- Area of shallow flooding. A designated Zone AH or VO on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.**
- Area of Special Flood Hazard**. The land in the floodplain within a community subject to a one percent chance of flooding in any given year. **It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AH, A1-30, AE, V, VO, V1-30, VE. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".**
- Base Flood**. A flood that has a one percent chance of being equaled or exceeded in any given year.
- Basement**. Any area of a building having its floor subgrade (below ground level) on all sides.
- Breakaway wall**. Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral

**loading forces, without causing damage to the elevated portion of the building or supporting foundation system.**

**Coastal high hazard area. Means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.**

Development. 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.

Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulations and runoff of surface waters from any source.

Flood Elevation Determination. A determination by the Director of the water surface elevations of the base flood from the approved flood hazard studies.

Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administrations that includes flood profiles and the water surface elevation of the base flood.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation more than one foot.

Start of Construction. For the purposes of LC 16.244, the start of construction is defined in LC 16.090, and shall include the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

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**Substantial Improvement.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

~~(6)~~(7) **Requirements of the Director.** The Director shall:

- (a) Review all development applications to determine that the permit requirements of this section have been satisfied.
- (b) Review all development applications to determine that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required.
- (c) Review all development applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of LC 16.244(8)(d) are met.
- (d) When base flood elevation data has not been provided in the Flood Insurance Study for Lane County, Oregon unincorporated areas, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer this section.
- (e) Where base flood elevation data is provided through the Flood Insurance Study or required as in LC 16.244(7)(d), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (f) For all new or substantially improved flood-proofed structures:
  - (i) Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and
  - (ii) Maintain the flood-proofing certifications required for elevation of nonresidential construction in zones A1-10, AH and AE.
- (g) Maintain for public inspection all records pertaining to the Provisions of this section.
- (h) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (i) Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.
- (j) Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the Hearings Official as provided in LC 14.080 except for LC 14.080(1)(a).
- (k) Record a notice of designation of substantial damage to a residential structure at Lane County Deeds and Records when the residential structure meets (i) and (ii) below. This form will be provided by the Director. Once the structure has been brought into compliance and at the request of the property owner, the Director is required to sign a notice of remedy of substantial damage that is recorded at Lane County Deeds and

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Records. The notice of remedy will declare the previously recorded notice of substantial damage void.

- (i) Has sustained substantial damage; and
- (ii) Has not been brought into compliance with LC 16.244.

~~(7)~~**(8)** Provisions for Flood Hazard Reduction. In all areas of flood hazard, the following standards are required:

- (a) Provisions applicable to Unnumbered A, A1-10, AH and AE zones:
  - (i) All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.
  - (ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - (iii) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (b) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building and manufactured home placement permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall include the use of historical data, high water marks, photographs of past flooding, etc., where available.
- (c) Floodways. Located within areas of special flood hazard established in LC 16.244(3) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:
  - (i) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evidence shall utilize hydrologic and hydraulic analyses performed in accordance with standard engineering practices.
  - (ii) Where base flood elevations have 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.
  - (iii) If LC 16.244(8)(c)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions for development in zones A1-30, AH and AE.
  - (iv) Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Floodway.
- (d) Development in areas of special flood hazard shall also comply with the provisions in *Table 1: Provisions for Flood Hazard Reduction.*

*Table 1: Provisions for Flood Hazard Reduction*

<b>Flood Zone</b>	<b>Foundations and Anchoring</b>
Unnumbered A	(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure. (2) All manufactured homes must likewise be anchored to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.



<p>A1-30, AH and AE</p>	<ol style="list-style-type: none"> <li>(1) All new construction and substantial improvements subject to less than 18 inches of flood water during a 100-year flood shall be anchored to prevent flotation, collapse and lateral movement.</li> <li>(2) All manufactured homes subject to less than 18 inches of flood water during a 100-year flood shall be anchored and/or supported to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.</li> <li>(3) All new construction, substantial improvements and manufactured homes not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood, shall be anchored to prevent flotation, collapse, and lateral movement which may reasonably occur independently or combined. Designs for meeting this requirement shall be certified by an Oregon registered engineer or architect.</li> <li>(4) All manufactured homes in existing manufactured home parks and existing manufactured home subdivisions shall be anchored to prevent flotation, collapse, and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.</li> <li>(5) Foundations for all new construction, substantial improvements, and manufactured homes that are not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood or located within a designated floodway, shall be certified by an Oregon registered professional engineer or architect to meet the following minimum foundation requirements: <ol style="list-style-type: none"> <li>(a) concrete footings sized for 1000 psf soil pressure unless data to substantiate the use of higher values are submitted.</li> <li>(b) footings extending below the frost line.</li> <li>(c) reinforced concrete, reinforced masonry, or other suitably designed supporting systems to resist all vertical and lateral loads which may reasonably occur independently or combined.</li> </ol> </li> <li>(6) All Manufactured homes located in an existing manufactured home park or existing manufactured home subdivision shall be supported in accordance with the State of Oregon, Manufactured Dwelling Standard.</li> </ol>
<p><b>Flood Zone</b></p>	<p><b>Utilities</b></p>
<p>Unnumbered A</p>	<ol style="list-style-type: none"> <li>(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.</li> <li>(2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and</li> <li>(3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.</li> </ol>
<p>A1-30, AH and AE</p>	<ol style="list-style-type: none"> <li>(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Public water systems which utilize wells for a source(s) shall be constructed such that the top well elevation is at least one foot above the 100-year flood elevation.</li> <li>(2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.</li> <li>(3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.</li> </ol>

<b>Flood Zone</b>	<b>Elevation: Residential</b>
Unnumbered A	New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet above the highest adjacent grade. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."
A1-30, AH and AE	New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."
<b>Flood Zone</b>	<b>Elevation: Nonresidential</b>
Unnumbered A	New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two feet above grade; or, together with attendant utility and sanitary facilities, shall be flood-proofed to a level two feet above the highest adjacent grade, so the structure is watertight with walls substantially impermeable to the passage of water.
A1-30, AH and AE	New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall: <ul style="list-style-type: none"> <li>(a) be flood-proofed to one foot above the base flood level, so the structure is watertight with walls substantially impermeable to the passage of water;</li> <li>(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;</li> <li>(c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in LC 16.244(7)(f)(ii). Nonresidential structures that are elevated, not flood-proofed, must meet the same standards as residential construction of fully enclosed areas below the lowest floor in zones A1-30, AH and AE.</li> <li>(d) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).</li> </ul>
<b>Flood Zone</b>	<b>Elevation of Manufactured Homes</b>
Unnumbered A	(1) All manufactured homes not in an existing manufactured home park or subdivision shall have the lowest floor elevated two feet above the highest adjacent grade. (2) All manufactured homes within an existing manufactured home park or subdivision shall be elevated such that the underside of the floor of the manufactured home is three feet above the finish grade.
A1-30, AH and AE	(1) All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE, (i) on sites outside of a manufactured home park or subdivision, (ii) on sites in a new manufactured home park or subdivision, (iii) on sites in an expansion to an existing manufactured home park or subdivision, or (iv) on sites within an existing manufactured home park or subdivision and

	<p>upon which manufactured homes have incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the underside of the floor of the manufactured home is elevated to a height of one foot above the base flood elevation.</p> <p>(2) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park that are not subject to the provisions of LC 16.244(8)(d), paragraph (1) "Elevation of Manufactured Homes in Flood Zone A1-30, AH and AE" shall be elevated so that either (i) the underside of the floor of the manufactured home is one foot above the base flood level, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.</p>
<b>Flood Zone</b>	<b>Elevation of Recreational Vehicles</b>
A1-30, AH and AE	Recreational vehicles shall (i) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (ii) shall satisfy the permit requirements of LC 16.244(5) and the requirements for elevation of manufactured homes in zones A1-30, AH and AE and be anchored to prevent flotation, collapse, and lateral movement. "Ready for highway use" means that the recreational vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
<b>Flood Zone</b>	<b>Enclosed Areas</b>
Unnumbered A	<p>Fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:</p> <p>(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.</p> <p>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</p> <p>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.</p>
A1-30, AH and AE	<p>For residential construction, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces in exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:</p> <p>(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.</p> <p>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</p> <p>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.</p>
<b>Flood Zone</b>	<b>Roads</b>

Unnumbered A	Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.
A1-30, AH and AE	(1) Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding. (2) No road surface of any new street, road or access road shall be at an elevation less than one foot below the base flood height.
<b>Flood Zone</b>	<b>Subdivisions and Partitions</b>
Unnumbered A	(1) All subdivision proposals shall be consistent with the need to minimize flood damage; (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
A1-30, AH and AE	(1) All subdivision and partitioning proposals shall be consistent with the need to minimize flood damage. (2) All subdivision proposals shall have adequate drainage to reduce exposure to flood damage, including returning water. (3) 100-year flood elevation data shall be provided and shown on final partition maps and subdivision plats. Applicant must show the boundaries of the 100-year flood and floodway on the final subdivision plat. (4) A permanent monument shall be established and maintained on land partitioned or subdivided showing the elevation in feet above mean sea level. The location of such monument shall be shown on the final partition map or subdivision plat. (5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

- ~~(8)~~(9) Emergency Permits. The Director may issue an emergency permit orally or in writing:
- (a) If issued orally, a written permit shall follow within five days confirming the issuance and setting forth the conditions of operation.
  - (b) Emergency permits may be issued to protect existing shorelines or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.
  - (c) A representative of Lane County may inspect the project site to verify that an emergency condition exists and that the emergency action will not significantly impact water resources.
  - (d) Emergency permits shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.
  - (e) The emergency permit shall be circulated for public information within 10 days of issuance.

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- (f) The Director shall condition emergency permits to protect and conserve the waters of this County.
- (10) Variance Procedures.
  - (a) Scope. Variance to a requirement standard or procedure of this section, with respect to the provisions for flood hazard reduction, may be approved by the Director if an application is submitted, reviewed and approved pursuant to the criteria for approving variances in LC 16.256, and the application complies with the additional criteria listed below.
    - (i) Variances may be issued for the reconsideration, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.
    - (ii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (b) Conditions. Reasonable conditions may be established in connection with a variance as deemed necessary to secure the purpose and requirements of this section. In cases where a variance is granted to allow residential construction with a lowest floor elevation below the required minimum elevation, or nonresidential flood-proofing below the required minimum elevation, the applicant shall record a deed covenant, that the cost of flood insurance will be commensurable with the increased risk resulting from the reduced floor elevation of flood-proofing.
- (11) **Coastal High Hazard Flood Zone. Located within Special Flood Hazard Areas (SFHA) established in LC 16.244(3) are Coastal High Hazard Areas, designated as Zones V1-V30, VE, V, or coastal A. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions of this ordinance and the State of Oregon Specialty Codes, the following provisions shall apply in addition to the general standards provisions in LC 16.244(11).**
  - (a) **General Standards.**
    - (i) **All new construction and substantial improvements in Zones V1-V30 and VE, V, and coastal A zones (where base flood elevation data is available) shall be elevated on pilings and columns such that:**
      - (aa) **The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and**
      - (bb) **The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval);**
    - (ii) **A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of section LC 16.244(11).**
    - (iii) **Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information in accordance with section LC 16.244(7)(f).**

- (iv) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
- (aa) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  - (bb) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
  - (cc) Walls intended to break away under flood loads shall have flood openings that meet or exceed the criteria for flood openings in section LC 16.244(8)(d) Table 1.
- (v) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (vi) Prohibit the use of fill for structural support of buildings.
- (vii) All new construction shall be located landward of the reach of mean high tide.
- (viii) Prohibit man-made alteration of sand dunes which would increase potential flood damage.
- (ix) All structures, including but not limited to residential structures, non-residential structures, appurtenant structures, and attached garages shall comply with all the requirements of section LC 16.244(11) Floodproofing of non-residential structures is prohibited.
- (b) **Manufactured Dwellings.** All manufactured dwellings to be placed or substantially improved within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall meet the following requirements:
- (i) Comply with all of the standards within section LC 16.212(11);
  - (ii) The bottom of the longitudinal chassis frame beam shall be elevated to a minimum of one foot above the Base Flood Elevation (BFE); and
  - (iii) Electrical crossover connections shall be a minimum of 12 inches above the BFE.
- (c) **Recreational Vehicles.** Recreational Vehicles within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall either:
- (i) Be on the site for fewer than 180 consecutive days, and
  - (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - (iii) Meet the permit requirements of LC 16.244(5) and the requirements for manufactured homes in section LC 16.244(11).

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**(d) Tanks. In coastal flood zones (V Zones or coastal A Zones) when elevated on platforms, the tank platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of the State of Oregon Specialty Code.**

*(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 3-91, 5.17.91; 2-98, 4.8.98; 1-07, 3.23.07; 14-08, 11.5.14; 19-03, 10.29.2019)*

**COMMERCIAL AIRPORT SAFETY COMBINING ZONE (/CAS-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.245 Commercial Airport Safety Combining Zone (/CAS-RCP).**

- (1) Purpose. The Commercial Airport Safety Combining Zone (/CAS-RCP) is applied to those lands adjacent to and within the Mahlon Sweet Field Airport. The /CAS-RCP Zone is intended to carry out the following purposes:
  - (a) Prevent the creation or establishment of obstructions that are a hazard to air navigation and flight.
  - (b) Prevent the creation or establishment of other hazards to air navigation and flight such as distracting light and glare producing surfaces, radio interference, smoke, steam and dust, areas which attract birds and hazards of a similar nature.
- (2) Applicability. The /CAS-RCP Zone is applied to those lands encompassed by the surfaces set forth and described in LC 16.245(4) below and diagramed in LC 16.245(6) below.
- (3) Use Limitations. In the /CAS-RCP Zone, the following limitations and standards shall apply to all uses permitted, allowed conditionally or allowed as special uses by the primary zone with which the /CAS RCP Zone is combined:
  - (a) The height of structures or objects shall not exceed the maximum height of the primary zone with which the /CAS-RCP Zone is combined. Furthermore, no structure or object shall be erected, altered, allowed to grow or be maintained in such a manner as to penetrate the height limitations of the various areas described in LC 16.245(4) below.
  - (b) No use may be made of land or water in such a manner as to create electrical interference with navigational signals or radio for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way endangering the landing, take off or maneuvering of aircraft intending to use the airport.
- (4) Surfaces Described.
  - (a) Primary Surfaces.
    - (i) The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of prepared runway surfaces. The width of the Primary Surface for each runway is the same as the width of the inner portion of the Approach Surface for that runway.
    - (ii) For purpose of this section, the center-points at the ends of each runway Primary Surface shall be considered as having the following coordinates and elevations:

<u>Runway</u>	<u>Centerpoint Coordinates (NAVD 83)</u>		<u>Centerpoint Elevation (NAVD 88)</u>
	<u>Latitude</u>	<u>Longitude</u>	<u>Feet above sea level</u>
16R	44°08'07.610"	123°13'08.960"	360.1
34L	44°06'36.766"	123°13'07.953"	365.5
16L	44°07'58.724"	123°12'09.711"	363.4
34R	44°06'59.478"	123°12'08.832"	373.6

- (iii) The elevation at any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline. For purposes of this section, the runway centerline shall be considered as having a straightline grade between the two centerpoints for that runway as described in LC 16.245(4)(ii) above.
- (b) Runway 16R-34L Approach Surface. This runway is a precision instrument runway aligned in a north-south direction and is designated as a primary runway. The inner edges of the Approach Surfaces coincide with the width of the Primary Surface at the ends of Runway 16R-34L and are 1,000 feet wide. Each Approach Surface extends outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the Primary Surface, its centerline being a continuation of the runway centerline. The Approach Surface for 16R and 34L extends outward and upward at a slope of 50 horizontal feet to one vertical foot beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 horizontal feet to one vertical foot to an additional distance of 40,000 feet along the extended runway centerline.
- (c) Runway 16L-34R. This runway is a precision instrument runway aligned in a north-south direction and will be designated as a secondary runway. The inner edges of the Approach Surfaces coincide with the width of the Primary Surface of the ends of Runway 16L-34R and are 1,000 feet wide. Each Approach Surface extends outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the Primary Surface, its centerline being the continuation of the runway centerline. The Approach Surface for 16L extends outward and upward at a slope of 20 horizontal feet to one vertical foot beginning at the end of and at the same elevation as the Primary Surface, to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 horizontal feet to one vertical foot for an additional 40,000 feet along the extended runway centerline. The Approach Surface for 34R extends outward and upward at a slope of 34 horizontal feet to one vertical foot, beginning at the end of and at the same elevation as the Primary Surface to a horizontal distance of 50,000 feet along with extended runway centerline.
- (d) Transitional Surfaces. These surfaces are adjacent to the Primary Surfaces and the Approach Surfaces. The surfaces slope upward and outward seven horizontal feet to one vertical foot, beginning at the side of and at the same elevation as the Primary Surfaces and the Approach Surfaces, and extend to where they intercept the Horizontal Surface at a height of 150 feet above the airport elevation. Where the Runway 16R-34L and 16L-34R Approach Surfaces pass through the Conical Surface, there are Transitional Surfaces sloping outward and upward seven horizontal feet to one vertical foot, beginning at the sides of and at the same elevation Approach Surface, and extending to where they intersect the Conical Surface. Where the Runway 16R-34L and 16L-34R Approach Surfaces extend beyond the Conical Surface, there are Transitional Surfaces sloping outward and upward seven horizontal feet to one vertical foot, beginning at the sides of and at the same elevation as the Approach Surface, and extending to a horizontal distance of 5,000 feet measured horizontally from the edge of the Approach Surface and at right angles to the runway centerline.
- (e) Horizontal Surface. The Horizontal Surface is described by swinging arcs of 10,000 feet radii from the center of each end of the Primary Surfaces of Runway 16R-34L and Runway 16L-34R, and connecting the arcs with tangent lines. The Horizontal Surface is a horizontal plane 150 feet above the elevation of the airport and for purposes of this section shall be considered as having an elevation of 515 feet above mean sea level. The Horizontal Surface does not include the Approach and Transitional Surfaces.

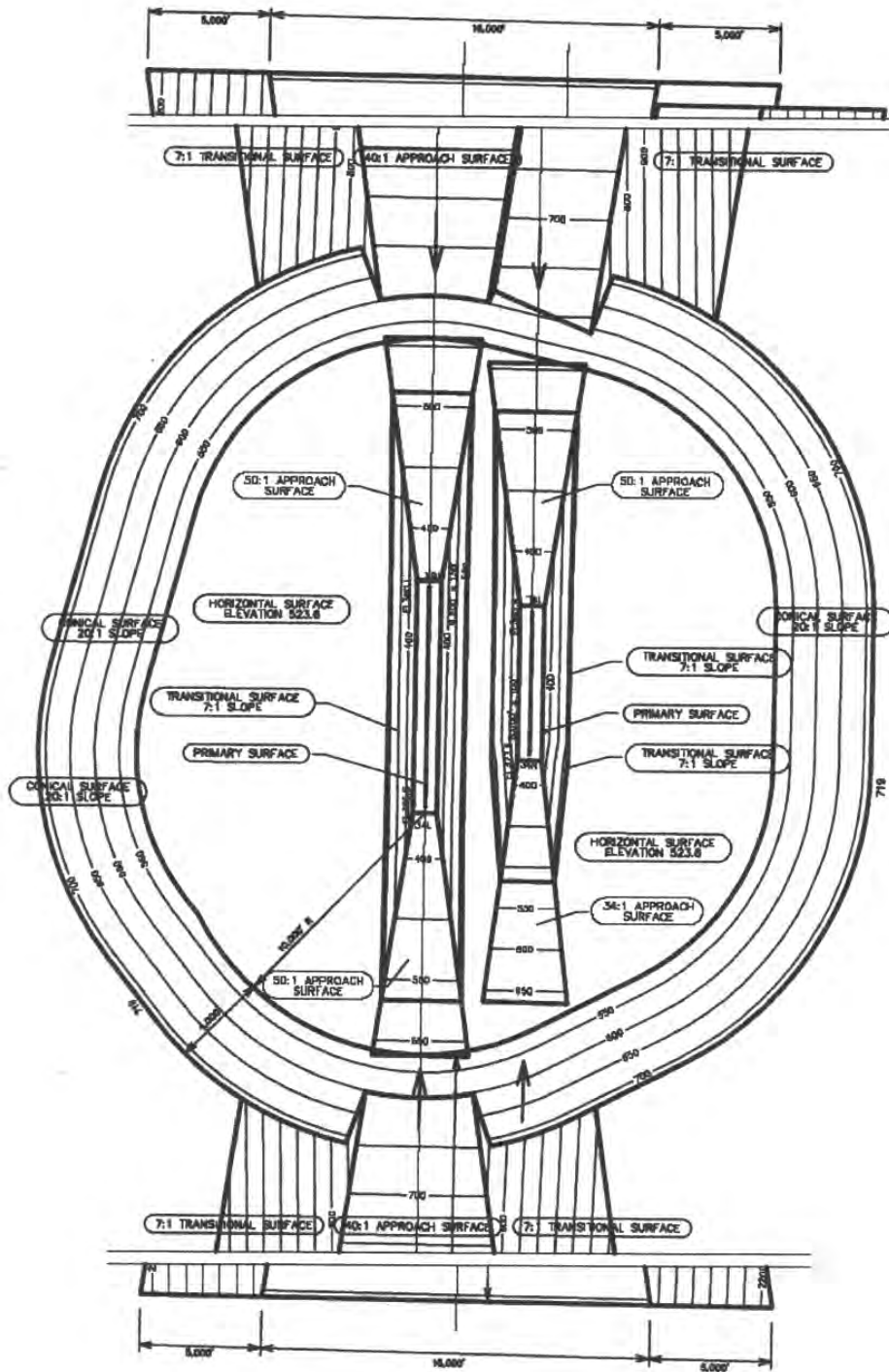


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- (f) Conical Surface. The Conical Surface begins at the outer periphery of the Horizontal Surface and slopes outward and upward 20 horizontal feet to one vertical foot, starting at the elevation of the Horizontal Surface and extends outward a horizontal distance of 4,000 feet.
- (5) Marking and Lighting. The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the City of Eugene to indicate to the operators of aircraft in the vicinity of the airport, of the presence of such aircraft obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the City of Eugene.
- (6) Surfaces Diagramed. The surfaces described in LC 16.245(4) above are as illustrated in the diagram below: *(Revised by Ordinance 7-87; Effective 6.17.87; 10-06, 1.5.07; 7-12, 12.28.12)*



**AIRPORT SAFETY COMBINING ZONE (/AS-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.246 Airport Safety Combining Zone (/AS-RCP).**

- (1) Purpose. The Airport Safety Combining Zone (/AS-RCP) is applied to those lands adjacent to the Creswell Airport (Hobby Field), the Cottage Grove Airport, the Oakridge Airport, the McKenzie Airport and the Florence Airport. The /AS-RCP Zone is intended to safeguard land uses adjacent to these airports from noise and hazards associated with aircraft operations and to protect existing use and potential expansion of the airport itself from incompatible development. Specifically, the /AS-RCP Zone is intended to carry out the following purposes:
  - (a) Prevent the creation or establishment of obstructions that are a hazard to air navigation and flight.
  - (b) Prevent the creation or establishment of other hazards to air navigation and flight such as distracting light and glare producing surfaces, radio interference, smoke, steam and dust, areas which attract birds and hazards of a similar nature.
  - (c) Restrict new development of land uses not normally compatible with noise and safety hazards associated with airport operations.
- (2) Applicability. The /AS-RCP Zone is applied to those lands adjacent to the Creswell Airport, the Cottage Grove Airport, the McKenzie Airport, the Oakridge Airport and Florence Airport which are encompassed by the surfaces set forth and described in LC 16.246(5) below and diagramed in LC 16.246(9) below. For purposes of this Chapter, the elevations of the five runways are established as follows:
  - (a) Cottage Grove - 641 feet above sea level.
  - (b) Creswell - 535 feet above sea level.
  - (c) Florence - 12 feet above sea level.
  - (d) Oakridge - 1419 feet above sea level.
  - (e) McKenzie - 1620 feet above sea level.
- (3) Use Limitations. In a /AS-RCP Zone, the following limitations and standards shall apply to all uses permitted, allowed conditionally or allowed as special uses by the primary zone with which the /AS-RCP Zone is combined.
  - (a) The height of structures or objects shall not exceed the maximum height of the primary zone with which the /AS-RCP Zone is combined. Furthermore, no structure or object shall be erected, altered, allowed to grow or be maintained in such a manner as to penetrate the surfaces described in LC 16.246(5) below. Areas located in more than one of the described surfaces shall be subject to the most restrictive (i.e., lowest) surface.
  - (b) All structures and uses within the /AS-RCP Zone shall conform to the requirements of Federal Aviation Regulations, Part 77 or successor. No use may be made of land or water in such a manner as to create electrical interference with navigation signals or radio communication between the airport and aircraft, making it difficult for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way endangering the landing, take off or maneuvering of aircraft intending to use the airport.
  - (c) All structures and uses within this combining district shall conform to the requirements of Federal Aviation Regulations, Part 77 or successor, and to other Federal and State laws as supplemented by Lane County ordinances, particularly Lane County Ordinance No. 105, or successor, regulating structure height, lights, glare producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

(4) Uses Prohibited. The area lying beneath the Approach Surface beginning at the end of the Primary Surface and extending outward a horizontal distance of 1,000 feet shall be considered to be a clear zone. Within this clear zone, no structure or object, except for fences and navigational aids approved by the airport operator, shall be erected, placed, altered, allowed to grow or be maintained above the surface of the ground.

(5) Surface Described.

(a) Approach Surface. A surface longitudinally centered on the runway centerline, extending outward and upward from the ends of the Primary Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 5,000 feet and widening from the width of 250 feet to 1,250 feet at its outer edge.

(b) Conical Surface. A surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 4,000 feet. This surface rises from 150 feet above the runway and extends to a height of 350 feet above the runway.

(c) Horizontal Surface. A horizontal plane 150 feet above the airport runway, the perimeter of which is established by swinging arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines.

(d) Primary Surface. The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of the prepared runway surface and having a width of 250 feet. For purposes of this section, the Primary Surface shall be considered as having the same elevation as its respective runway as the same are specified in LC 16.246(2) above. The centerpoints at the ends of each Primary Surface shall be considered as having the following coordinates:

	<u>North Coordinate</u>	<u>East Coordinate</u>
Cottage Grove Airport	787358	1331306
	790828	1331606
Creswell Airport	833934	1339698
	836415	1339781
Oakridge Airport	766146	1472836
	767325	1469017
McKenzie Bridge Airport	920159	1582521
	920810	1585438
Florence Airport	868731	1050341
	869823	1049883

(e) Transitional Surfaces. These surfaces extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the Primary Surface and Approach Surface to the point of intersection with the Horizontal Surface. The Transitional Surface extends to a height of 150 feet above the runway.

(6) Marking and Lighting. The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the airport operator to indicate to the operators of aircraft in the vicinity of the airport, of the presence of such aircraft obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the airport operator.

(7) Special Requirements for Construction Permits. Within the area beneath the Approach Surface, no construction permit shall be issued for any building, mobile home or other structure designed and intended for human occupancy until the property owner has agreed to waive action against the County and the airport for noise, property damage or personal injuries

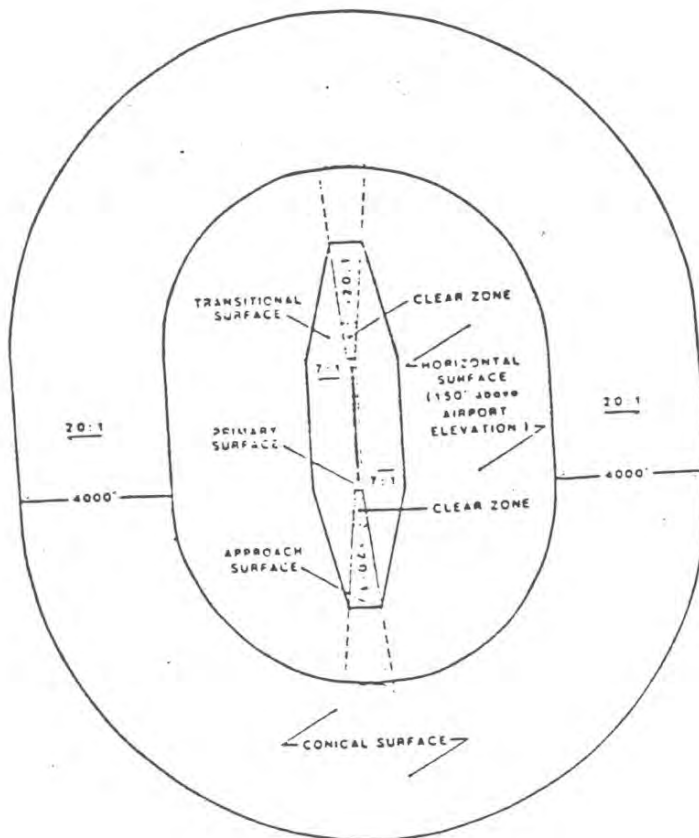
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resulting from activities connected with the airport. Such waiver shall apply only when such activities are conducted in conformance with rules and regulations of the airport and applicable Federal and State air regulations and no negligence on the part of the County or the airport is involved. The waiver shall be in a form prescribed by the Planning Director and shall be binding on the grantees, their heirs, assigns and successors in title.

- (8) Area. Established by underlying, parent zone.
- (9) Surfaces Diagramed. The surfaces described in LC 16.246(5) above are as illustrated in the diagram below: *(Revised by Ordinance 7-87, Effective 6.17.87; 10-04, 6.4.04; 6-10; 09.17.10; 7-12, 12.28.12)*



### 16.247 **Airport Operations Zone (AO-RCP).**

- (1) Purpose. The Airport Operations Zone (AO-RCP) is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. In addition, the AO-RCP Zone is intended to provide areas for certain open space uses for airfield grounds maintenance and as a buffer to minimize potential dangers from, and conflicts with, the use of aircraft.
- (2) Permitted Buildings and Uses. In the AO-RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this Chapter:
- (a) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes as defined by the Federal Aviation Administration, including uses

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and buildings which are necessary for airport operation, such as aircraft hangars, fuel storage facilities, control tower, passenger and air freight terminals, aircraft runways, taxi-ways and tie-down areas, etc.

- (b) Retail sales and commercial services for air passengers or flight connected activities.
  - (c) Air cargo warehousing and distribution facilities.
  - (d) Aerial mapping and surveying.
  - (e) Aircraft or aircraft component manufacturing or assembly.
  - (f) Aircraft related research and testing.
  - (g) Aircraft sales, repair, service and storage.
  - (h) Schools relating to aircraft operations.
  - (i) Public parking and/or auto storage.
  - (j) Aircraft or air transportation business or professional uses.
  - (k) Aviation clubs.
  - (l) Auto rental agencies.
  - (m) Hotels and motels.
  - (n) Restaurants.
  - (o) Taxi, bus and truck terminals.
  - (p) Environmental monitoring and enforcement agencies.
  - (q) General farming, including the growing of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed and similar food and fiber products.
  - (r) Pastures and grazing.
  - (s) Forest or open land preserves.
  - (t) Game and fish preserves.
  - (u) Accessory buildings normally required in connection with a use as specified in this subsection.
  - (v) Public and semipublic buildings, structures and uses essential to the physical and economic welfare of an area.
- (3) Uses Subject to Hearings Official Approval. Airport related uses not specified in LC 16.247(2) above are special uses, subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14. An airport related use is defined as an activity or use of the land whose immediate presence on or proximity to an airport is necessary to proper airport function, to meet the needs of the use when a significant portion of its business or activity is derived from the airport, or when special transportation cost or time factors make operation from less immediate sites prohibitively expensive.
- (4) Special Use Approval Criteria. Uses allowed in LC 16.247(3) above must comply with the following criteria:
- (a) Conformity with the Rural Comprehensive Plan for Lane County.
  - (b) The location, size, design and operating characteristics of the proposed use:
    - (i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.
    - (ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)
    - (iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.
    - (iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.
- (5) Conformance Requirement. All structures and uses within the AO-RCP Zone shall conform to the requirements of Federal Aviation Agency Regulation FAR-77 or successor,

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and to other Federal and State laws as supplemented by Lane County ordinances, particularly Lane County Ordinance No. 105 or successor, regulating structure height, lights, glare producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

(6) Setback Requirements.

(a) Front Yard. Front yards shall not be less than 20 feet deep.

(b) Side Yard. Side yards shall be not less than five feet for residential use. Side yards shall not be required for nonresidential permitted uses, but if provided shall be not less than five feet.

(7) Vision Clearance. Vision clearance for corner lots shall be a minimum of 15 feet.

(8) Area.

(a) The minimum area for the division of land shall be five acres.

(b) Notwithstanding the provisions of LC 16.247(8)(a) above, the minimum area for a parcel or lot may be reduced when it is intended as a site for a commercial, industrial, public or semipublic use allowed within the zone if there is a finding that the location, design and arrangement of the proposed lot or parcel can be integrated in a logical manner with the location, design and arrangement of lots or parcels and uses, existing and potential, of (a) adjacent properties, and (b) the remainder of the contiguous ownership proposed for division.

(c) The following animal use area regulations shall apply on lots of less than five acres: Cows, horses, sheep or goats cannot be kept on lots having an area of less than one acre. The minimum area for such animals (other than their young under the age of six months) on less than five acres shall be as follows:

Horses                      One per acre, plus one additional for every 15,000 square feet.

Cows                              One per acre, plus one additional for every 10,000 square feet.

Goats or sheep              Five per acre, plus one additional for every 2,000 square feet.

The area of a property may be utilized one time only for the computation of the above allowable animal usage. *(Revised by Ordinance 7-87, Effective 6.17.87; 10-04, 6.4.04; 19-03, 10.29.2019)*

## RESOURCE CAPABILITY DETERMINATION RURAL COMPREHENSIVE PLAN

### 16.248 Resource Capability Determination.

(1) Purpose. Special uses in the Natural Estuary (NE-RCP), Conservation Estuary (CE-RCP) and Development Estuary (DE-RCP) Zones are allowed only if determined to meet the resource capability and purpose of the management unit in which the use or activity occurs. The purpose of this section is to establish a procedure for making a Resource Capability Determination. Major activities or uses in the estuary may require an Estuarine Impact Assessment; those uses do not also require this Resource Capability Determination.

(2) Definition of Resource Capability. Resource capability is defined as the degree to which the natural resource can be physically, chemically or biologically altered, or otherwise assimilate an external use and still function to achieve the purpose of the zone in which it is located.

(3) Identification of Resources and Impacts. The applicant for a proposed use or activity in which a Resource Capability Determination must be made shall submit the following:

(a) Information on the resources present. The type of resources likely to be affected by the proposed action shall be inventoried. The County shall assist the applicant in locating sources of information. Sources which can be used include Lane County Coastal Resources Inventory, Environmental Impact Statements for the Siuslaw River

- or other published information concerning the Siuslaw estuary, or more current resource information.
- (b) Information on impacts to be expected if the proposed use or activity is carried out. This is not intended to be a full Impact Assessment as specified in LC 16.249, but presentation of the major effects on water circulation and flushing patterns, water quality significant adverse impacts which may occur and impacts on the aquatic and shoreland life forms. Where appropriate to the proposed action, impacts on recreational and aesthetic use, navigation and other existing and potential uses of the estuary shall be identified as well.
- (c) Mitigation of Impacts. Where measurable adverse or negative impacts on the resource factors defined in LC 16.248(3)(b) above have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts.
- (4) Resource Capability Determination. Information on resources present and impacts to be expected will be evaluated as part of the special use permit procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination and will be used whenever possible to reduce duplication of effort between agencies.
- (5) Resource Capability Findings. Based on analysis of resources and impacts, one of the following findings shall be concluded in approving or disapproving the use permit:
- (a) The proposed use or activity does not represent a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource. It is consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zone.
- (b) The proposed use or activity presents a potential significant impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource, but reasonable alternative or mitigating measures are proposed which will eliminate, or minimize to an acceptable level, adverse environmental impact or the mitigation requirement of ORS 541.626 have been met. It is consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zone.
- (c) The proposed use or activity will result in unacceptable loss, considering the purpose of the management unit in which the use is proposed. The use or activity represents irreversible changes and actions and unacceptable significant adverse impact or reduction of significant estuarine fish and wildlife habitat or essential properties of the estuary will result; or that the adverse consequences of the proposed use or activity would be likely to result in irreversible trends or changes in estuarine resource properties and functions. It is not consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zone.
- (6) Notification of Agencies.
- (a) Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:
- (i) U. S. Fish and Wildlife Service.
- (ii) U. S. Environmental Protection Agency.
- (iii) Oregon State Department of Fish and Wildlife.
- (iv) Oregon State Department of Land Conservation and Development.
- (v) Oregon State Division of State Lands.
- (vi) National Marine Fishery Service.
- (vii) Army Corps of Engineers.



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- (b) Agencies receiving referrals shall be afforded 15 calendar days from the date of mailing to review and comment on the proposed activity. *(Revised by Ordinance 7-87, Effective 6.17.87; 7-91, 6.5.91)*

## ESTUARINE IMPACT ASSESSMENT RURAL COMPREHENSIVE PLAN

### 16.249 Estuarine Impact Assessment.

- (1) Purpose. The purpose of this section is to provide a procedure for evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. Activities which require an Impact Assessment do not also require a Resource Capability Determination.

Uses which are permitted outright do not require an Impact Assessment. Uses requiring a Special Use Permit will require an Impact Assessment only when an Environmental Impact Statement (EIS) is required through the Corps of Engineers section 20/4-04 permit process.

- (2) Information to be Presented in the Impact Assessment. Information contained in an Impact Assessment shall be used in the evaluation of a use or activity during a Special Use Permit or Conditional Use Permit procedure. As part of the permit review, information developed by resource agencies may be requested and used in the determination. Any possibilities of reducing duplication of effort by the city and other agencies will be utilized so long as the necessary information is adequately analyzed. Information contained in the Impact Assessment may be drawn from available data and analysis contained in the Lane County Coastal Resources Inventory, Environmental Impact Statements and Assessments for Projects in the Siuslaw estuary, other published studies pertaining to the Siuslaw River estuary, or more current information provided by applicant. The Impact Assessment should apply available information to the following general areas of analysis. The Planning Director may waive inapplicable items for any particular use of project.

- (a) Aquatic life forms and habitat, including information on habitat type and use (e.g., rearing, spawning, feeding/resting, mitigation), species present, seasonal abundance, sediment type and characteristics and vegetation present. The type of alteration, including information detailing the extent of alteration (e.g., area measurement, depths to which alteration will extend, volumes of materials removed and/or placed as fill), impacted species (including threatened and endangered species), life states and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subject to alteration.
- (b) Shoreland life forms and habitat, including information on habitat type and use (e.g., feeding, resting or watering areas, flyways), species present, seasonal abundance, soil types and characteristics and vegetation present. Impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.
- (c) Water quality, including information on increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.
- (d) Hydraulic characteristics, including information on changes in water circulation patterns, shoaling patterns, potential of erosion in or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction, diversion or impoundment of water resources.

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- (e) Air quality, including information on quantities of emissions of particulates, expected inorganic and organic airborne pollutants.
  - (f) Impact of the proposed project on navigation and public access to the shoreline and aquatic areas.
  - (g) Demonstration of public need to warrant such a modification to the estuary.
  - (h) Demonstration that non-water dependent uses will not preempt existing or future water dependent use of the area.
  - (i) Determination of the potential cumulative impact of the proposed development, including alteration of adjacent significant fish and wildlife habitat and essential properties of the estuary.
  - (j) Presentation of upland alternatives and methods to minimize preventable adverse impacts.
  - (k) Determination of need for mitigation.
- (3) Impact Assessment Findings. Based on results of Impact Assessment analysis and the approval criteria contained in the applicable zone, one of the following findings shall be concluded in approving or disapproving the use permit:
- (a) The proposed development does not represent a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource.
  - (b) The proposed development presents a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource, but no reasonable alternatives exist and mitigating measures are proposed which will eliminate or minimize to an acceptable level, adverse environmental impacts. If mitigation is required under ORS 541.626, a mitigation plan shall have been approved by the Division of State Lands before this finding can be made.
  - (c) The proposed development will result in unacceptable loss. The proposed use or activity represents irreversible changes and actions. Unacceptable significant adverse impact or reduction of significant fish and wildlife habitat or reduction of essential properties of the estuary will result; or that the adverse consequences of the proposed activity would be likely to result in irreversible trends or changes in estuarine resource properties or functions.
- (4) Notification of Agencies.
- (a) Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:
    - (i) U. S. Fish and Wildlife Service.
    - (ii) U. S. Environmental Protection Agency.
    - (iii) Oregon State Department of Fish and Wildlife.
    - (iv) Oregon State Department of Land Conservation and Development.
    - (v) Oregon State Division of State Lands.
    - (vi) National Marine Fishery Service.
    - (vii) Army Corps of Engineers.
  - (b) Agencies receiving referrals shall be afforded 15 calendar days from the date of mailing to review and comment on the proposed activity. *(Revised by Ordinance 7-87, Effective 6.17.87)*

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## FLOODPLAIN COMBINING DISTRICT (/FP)

### 10.271-05 Purpose.

It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this section are designed to:

- (1) Protect human life and health.
- (2) Minimize expenditure of public money and costly flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in area of special flood hazards.
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard.
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. *(Revised by Ordinance No. 3-91; Effective 5.17.91)*

### 10.271-10 Methods of Reducing Flood Losses.

In order to accomplish its purpose, this section includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- (4) Controlling filling, grading, dredging and other development, which may increase flood damage.
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas. *(Revised by Ordinance No. 3-91; Effective 5.17.91)*

### 10.271-15 Lands to Which This Section Applies.

This section shall apply to all **Special Flood Hazard Areas (FSHA)** ~~areas of flood hazard~~ within Lane County, and overlay the regulations of the underlying zone.

- (1) Areas of **special** flood hazard for Lane County are identified by the Federal Insurance Administration in a scientific and engineering report entitled "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON, UNINCORPORATED AREAS," **dated June 2, 1999 and June 5, 2020**, with accompanying Flood Insurance Rate Maps (FIRM)
- (2) Areas of flood hazard shall also include any land areas designated by the Director as susceptible to inundation of water from any source where the above referenced maps have not identified any special flood areas.
- (3) Flood hazard areas shall be adopted by Board Order, made a part of Lane Manual (LM 11.020) and filed in the office of the Department. Such studies shall form the basis for the administration and implementation of this section. *(Revised by Ordinance No. 3-91, Effective 5.17.91; 2-98, 4.8.98; 1-07, 3.23.07)*

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### **10.271-20 Warning and Disclaimer of Liability.**

The degree of flood protection required by this section is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Lane County, any officer or employee thereof, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder. *(Revised by Ordinance No. 3-91, Effective 5.17.91)*

### **10.271-25 Development Subject to Director Approval.**

Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, recreational vehicles as provided for by this section, and "development" as defined in LC 10.271-27. Application for approval shall be filed with the Department according to Type I procedures of LC Chapter 14. *(Revised by -Ordinance No. 3-91, Effective 5.17.91; 1-07, 3.23.07; 19-03, 10.29.19)*

### **10.271-27 Definitions.**

Except as otherwise provided in LC 10.271-27, the definitions below shall be used for LC 10.271.

**Area of shallow flooding. A designated Zone AH or VO on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.**

**Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AH, A1-30, AE, V, VO, V1-30, VE. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".**

**Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.**

**Basement. Any area of a building having its floor subgrade (below ground level) on all sides.**

**Breakaway wall. Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.**

**Coastal high hazard area. Means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.**

**Development. For the purposes of LC 10.271-27, development is defined in LC 10.020, and shall include dredging, paving, and drilling operations and the storage of equipment and materials.**

**Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.**

**Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be**

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affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulations and runoff of surface waters from any source.

Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood from the approved flood hazard studies.

Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administrations that includes flood profiles and the water surface elevation of the base flood.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation more than one foot.

Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways., nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For the purposes of LC 10.271, the start of construction shall include the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a



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structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. *(Revised by Ordinance No. 1-07, Effective 3.23.07)*

### **10.271-30 Designation of Administrator.**

The Director shall:

- (1) Review all development applications to determine that the permit requirements of this section have been satisfied.
- (2) Review all development applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development applications to determine if the proposed development is located in the floodway; and if in the floodway, assure that the encroachment provisions of this section are satisfied.
- (4) When base flood elevation data has not been provided in the Flood Insurance Study for Lane County, Oregon, unincorporated areas, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer this section.
- (5) Where base flood elevation data is provided through the Flood Insurance Study or required by this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (6) For all new or substantially improved flood-proofed structures:
  - (a) Verify and record the actual elevation (mean sea level) to which the structure was flood-proofed; and
  - (b) Maintain the flood-proofing certifications required for nonresidential development in zones A1-30, AH and AE.
- (7) Maintain for public inspection all records pertaining to the provisions of this section.
- (8) Notify adjacent communities and the Department of Land Conservation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (9) Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.
- (10) Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the hearings official as provided in LC 14.080 notwithstanding LC 14.080(1)(a). *(Revised by Ordinance No. 1-07, Effective 3.23.07; 19-03, 10.29.19)*

### **10.271-35 Provisions for Flood Hazard Reduction.**

In all areas of flood hazard, the following standards are required:

- (1) Provisions applicable to unnumbered A, A1-30, AH and AE zones:
  - (a) All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.
  - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - (c) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent

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water from entering or accumulating with the components during conditions of flooding.

- (2) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building and manufactured home placement permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall include the use of historical data, high water marks, photographs of past flooding, etc., where available.
- (3) Floodways. Located within areas of special flood hazard established in LC 10.271-15 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:
  - (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evidence shall utilize hydrologic and hydraulic analyses performed in accordance with standard engineering practices.
  - (b) Where base flood elevations have 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.
  - (c) If LC 10.271-35(3)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable provisions for development in zones A1-30, AE and AH.
  - (d) Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the floodway.
- (4) Development in areas of special flood hazard shall also comply with the provisions in *Table 1: Provisions for Flood Hazard Reduction*.

***Table 1: Provisions for Flood Hazard Reduction.***

<b>Flood zone</b>	<b>Foundations and Anchoring</b>
Unnumbered "A"	<p>(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.</p> <p>(2) All manufactured homes must likewise be anchored to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon Manufactured Dwelling Standard.</p>
A1-30, AH, and AE.	<p>(1) All new construction and substantial improvement subject to less than 18 inches of flood water during a 100-year flood shall be anchored to prevent flotation, collapse and lateral movement.</p> <p>(2) All manufactured homes subject to less than 18 inches of flood water during a 100-year flood shall be anchored and/or supported to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon Manufactured Dwelling Standard.</p> <p>(3) All new construction, substantial improvements and manufactured homes not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood shall be anchored to prevent flotation, collapse and lateral movement which may reasonably occur independently or combined. Designs for meeting this requirement shall be certified by an Oregon registered engineer or architect.</p> <p>(4) All manufactured homes in existing manufactured home parks and existing manufactured home subdivisions shall be anchored to prevent flotation,</p>

	collapse and lateral movement, in accordance with the State of Oregon Manufactured Dwelling Standard. (5) Foundations for all new construction, substantial improvements, and manufactured homes that are not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood or located within a designated floodway shall be certified by an Oregon registered professional engineer or architect to meet the following minimum requirements: (a) Concrete footings sized for 1000 psf soil pressure unless data to substantiate the use of higher values are submitted. (b) Footings extending below the frost line. (c) Reinforced concrete, reinforced masonry, or other suitably designed supporting systems to resist all vertical and lateral loads which may reasonably occur independently or combined. (6) All manufactured homes located in an existing manufactured home park or existing manufactured home subdivision shall be supported in accordance with the State of Oregon Manufactured Dwelling Standard.
<b>Flood zone</b>	<b>Utilities</b>
Unnumbered "A"	(1) All new or replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. (2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and (3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.
A1-30, AH, and AE.	(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Public water systems which utilize wells for a source(s) shall be constructed such that the top well elevation is at least one foot above the 100-year flood elevation. (2) New and replacement public or community sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. (3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.
<b>Flood zone</b>	<b>Elevation: Residential construction</b>
Unnumbered "A"	New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet above the highest adjacent grade. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard".
A1-30, AH, and AE.	New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard".
<b>Flood zone</b>	<b>Elevation: Nonresidential construction</b>
Unnumbered "A"	New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two feet above grade; or, together with attendant utility and sanitary facilities, shall be flood-proofed to a level two feet above the highest adjacent grade, so the structure is watertight with walls substantially impermeable to the passage of water.

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<p>A1-30, AH, and AE.</p>	<p>New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:</p> <p>(a) Be floodproofed to one foot above the base flood level, so the structure is watertight with walls substantially impermeable to the passage of water;</p> <p>(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;</p> <p>(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in LC 10.271-30(6)(b). Nonresidential structures that are elevated, not floodproofed, must meet the same standards as residential construction of fully enclosed areas below the lowest floor in zones A1-30, AH and AE.</p> <p>(d) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).</p>
<p><b>Flood zone</b></p>	<p><b>Elevation: Manufactured Homes</b></p>
<p>Unnumbered "A"</p>	<p>(1) All manufactured homes not in an existing manufactured home park or subdivision shall have the lowest floor elevated two feet above the highest adjacent grade.</p> <p>(2) All manufactured homes within an existing manufactured home park or subdivision shall be elevated such that the underside of the floor of the manufactured home is three feet above the finish grade.</p>
<p>A1-30, AH, and AE.</p>	<p>(1) All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE (i) on sites outside of a manufactured home park or subdivision, (ii) on sites in a new manufactured home park or subdivision, (iii) on sites in an expansion to an existing manufactured home park or subdivision, or (iv) on sites within an existing manufactured home park or subdivision and upon which manufactured homes have incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the underside of the floor of the manufactured home is elevated to a height of one foot above the base flood elevation.</p> <p>(2) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park within Zones A1-30, AH or AE that are not subject to the provisions of LC 10.271-35(4), paragraph (1) "Elevation: Manufactured Homes in Flood zones A1-20, AH and AE" shall be elevated so that either (i) the underside of the floor of the manufactured home is one foot above the base flood level, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.</p>
<p><b>Flood zone</b></p>	<p><b>Elevation of Recreational Vehicles</b></p>
<p>A1-30, AH, and AE.</p>	<p>Recreational vehicles shall (i) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (ii) shall satisfy the permit requirements of LC 10.271-25 and be anchored to prevent flotation, collapse, and lateral movement. "Ready for highway use" means that the recreational vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.</p>
<p><b>Flood zone</b></p>	<p><b>Enclosed areas</b></p>

<p>Unnumbered "A"</p>	<p>Fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:</p> <p>(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.</p> <p>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</p> <p>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.</p>
<p>A1-30, AH, and AE.</p>	<p>For residential construction, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces in exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:</p> <p>(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.</p> <p>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</p> <p>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.</p>
<p><b>Flood zone</b></p>	<p><b>Roads</b></p>
<p>Unnumbered "A"</p>	<p>Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.</p>
<p>A1-30, AH, and AE.</p>	<p>(1) Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.</p> <p>(2) No road surface of any new street, road or access road shall be at an elevation less than one foot below the base flood height.</p>
<p><b>Flood zone</b></p>	<p><b>Subdivisions and Partitions</b></p>
<p>Unnumbered "A"</p>	<p>(1) All subdivision proposals shall be consistent with the need to minimize flood damage;</p> <p>(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;</p> <p>(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and</p> <p>(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposal and other proposed developments which contain at least 50 lots or five acres, whichever is less.</p>
<p>A1-30, AH, and AE.</p>	<p>(1) All subdivision and partitioning proposals shall be consistent with the need to minimize flood damage.</p>

	<p>(2) All subdivision proposals shall have adequate drainage to reduce exposure to flood damage, including returning water.</p> <p>(3) 100-year flood elevation data shall be provided and shown on final partition maps and subdivision plats. Applicant must show the boundaries of the 100-year flood and floodway on the final subdivision plat.</p> <p>(4) A permanent monument shall be established and maintained on land partitioned or subdivided showing the elevation in feet above mean sea level. The location of such monument shall be shown on the final partition map or subdivision plat.</p> <p>(5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.</p>
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*(Revised by Ordinance No. 1-07, Effective 3.23.07)*

### **10.271-40 Emergency Permits.**

The Director may issue an emergency permit orally or in writing:

- (1) If issued orally, a written permit shall follow within five days confirming the issuance and setting forth the conditions of operation.
- (2) Emergency permits may be issued to protect existing shorelines or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.
- (3) A representative of Lane County may inspect the project site to verify that an emergency condition exists and that the emergency action will not significantly impact water resources.
- (4) Emergency permits shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.
- (5) The emergency permit shall be circulated for public information within 10 days of issuance.
- (6) The Director shall condition emergency permits to protect and conserve the waters of this County. *(Revised by Ordinance No. 1-07, Effective 3.23.07)*

### **10.271-45 Variance Procedures.**

- (1) Scope. Variance to a requirement standard or procedure of this section, with respect to the provisions for flood hazard reduction, may be approved by the Director if an application is submitted, reviewed and approved pursuant to the criteria for approving variances in LC 10.330, and the application complies with the additional criteria listed below.
  - (a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.
  - (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (2) Conditions. Reasonable conditions may be established in connection with a variance as deemed necessary to secure the purpose and requirements of this section. In cases where a variance is granted to allow residential construction with a lowest floor elevation below the required minimum elevation, or nonresidential flood-proofing below the required minimum elevation, the applicant shall record a deed covenant, that the costs of flood insurance will be commensurable with the increased risk resulting from the reduced floor elevation of flood-proofing. *(Revised by Ordinance No. 1-07, Effective 3.23.07)*

### **10.271-50 Coastal High Hazard Flood Zone.**

**Located within Special Flood Hazard Areas (SFHA) established in LC 10.271-15 are Coastal High Hazard Areas, designated as Zones V1-V30, VE, V, or coastal A. These areas have special flood**

hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions of this ordinance and the State of Oregon Specialty Codes, the following provisions shall apply in addition to the general standards provisions in LC 10.271-50.

(1) General Standards.

- (a) All new construction and substantial improvements in Zones V1-V30 and VE, V, and coastal A zones (where base flood elevation data is available) shall be elevated on pilings and columns such that:
  - (i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and
  - (ii) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval);
- (b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of section LC 10.271-15.
- (c) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information in accordance with section LC 10.271-30(6).
- (d) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
  - (i) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  - (ii) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
  - (iii) Walls intended to break away under flood loads shall have flood openings that meet or exceed the criteria for flood openings in section LC 10.271-35(4) Table 1.
- (e) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

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- (f) **Prohibit the use of fill for structural support of buildings.**
- (g) **All new construction shall be located landward of the reach of mean high tide.**
- (h) **Prohibit man-made alteration of sand dunes which would increase potential flood damage.**
- (i) **All structures, including but not limited to residential structures, non-residential structures, appurtenant structures, and attached garages shall comply with all the requirements of section LC 10.275-50 Floodproofing of non-residential structures is prohibited.**
- (2) **Manufactured Dwellings. All manufactured dwellings to be placed or substantially improved within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall meet the following requirements:**
  - (a) **Comply with all of the standards within section LC 10.271-50.**
  - (b) **The bottom of the longitudinal chassis frame beam shall be elevated to a minimum of one foot above the Base Flood Elevation (BFE); and**
  - (c) **Electrical crossover connections shall be a minimum of 12 inches above the BFE.**
- (3) **Recreational Vehicles. Recreational Vehicles within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall either:**
  - (a) **Be on the site for fewer than 180 consecutive days, and**
  - (b) **Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or**
  - (c) **Meet the permit requirements of LC 10.271-25 and the requirements for manufactured homes in section LC 10.271-50(2).**
- (4) **Tanks. In coastal flood zones (V Zones or coastal A Zones) when elevated on platforms, the tank platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of the State of Oregon Specialty Code.**

## RESOURCE CAPABILITY DETERMINATION

### 10.275-05 Purpose.

Special uses in the Natural Estuary (NE), Conservation Estuary (CE), and Development Estuary (DE) Districts are allowed only if determined to meet the resource capability and purpose of the management unit in which the use or activity occurs. The purpose of this section is to establish a procedure for making a resource capability determination. Major activities or uses in the estuary may require an estuarine impact assessment; those uses do not also require this resource capability determination. *(Revised by Ordinance No. 6-83, Effective 4.15.83)*

### 10.275-10 Definition of Resource Capability.

Resource capability is defined as the degree to which the natural resource can be physically, chemically or biologically altered, or otherwise assimilate an external use and still function to achieve the purpose of the zone in which it is located. *(Revised by Ordinance No. 6-83, Effective 4.15.83)*

### 10.275-15 Identification of Resources and Impacts.

The applicant for a proposed use or activity in which a resource capability determination must be made shall submit the following:

- (1) Information on the resources present. The type of resources likely to be affected by the proposed action shall be inventoried. The County shall assist the applicant in location sources of information. Sources which can be used include: Lane County Coastal Resources Inventory, environmental impact statements for the Siuslaw River or other published information concerning the Siuslaw estuary, or more current resource information.



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- (2) Information on impacts to be expected if the proposed use or activity is carried out. This is not intended to be a full impact assessment as specified in LC 10.280, but presentation of the major effects on water circulation and flushing patterns, water quality significant adverse impacts which may occur and impacts on the aquatic and shoreland life forms. Where appropriate to the proposed action, impacts on recreational and aesthetic use, navigation and other existing and potential uses of the estuary shall be identified as well.
- (3) Mitigation of Impacts. Where measurable adverse or negative impacts on the resource factors defined in LC 10.275-15(2) above have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts. *(Revised by Ordinance No. 6-83, Effective 4.15.83; 7-91, 6.5.91)*

### **10.275-20 Resource Capability Determination.**

Information on resources present and impacts to be expected will be evaluated as part of the special use permit procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination and will be used whenever possible to reduce duplication of effort between agencies. *(Revised by Ordinance No. 6-83, Effective 4.15.83)*

### **10.275-25 Resource Capability Findings.**

Based on analysis of resources and impacts, one of the following findings shall be concluded in approving or disapproving the use permit:

- (1) The proposed use or activity does not represent a significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource. It is consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zoning district.
- (2) The proposed use or activity presents a potential significant impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource, but reasonable alternative or mitigating measures are proposed which will eliminate, or minimize to an acceptable level, adverse environmental impact or the mitigation requirement of ORS 541.626 have been met. It is consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zoning district.
- (3) The proposed use or activity will result in unacceptable loss, considering the purpose of the management unit in which the use is proposed. The use or activity represents irreversible changes and actions and unacceptable significant adverse impact or reduction of significant estuarine fish and wildlife habitat or essential properties of the estuary will result, or that the adverse consequences of the proposed use or activity would be likely to result in irreversible trends or changes in estuarine resource properties and functions. It is not consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zoning district. *(Revised by Ordinance No. 6-83, Effective 4.15.83; 7-91, 6.5.91)*

### **10.275-30 Notification of Agencies.**

- (1) Any application that is subject to the provisions of this section shall, as a minimum, be referred to the following:
  - (a) U.S. Fish and Wildlife Service.
  - (b) U.S. Environmental Protection Agency.
  - (c) Oregon State Department of Fish and Wildlife.
  - (d) Oregon State Department of Land Conservation and Development.
  - (e) Oregon State Division of State Lands.
  - (f) National Marine Fishery Service.
  - (g) Army Corps of Engineers.

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- (2) Agencies receiving referrals shall be afforded 15 calendar days from date of mailing to review and comment on the proposed activity. *(Revised by Ordinance No. 6-83, Effective 4.15.83)*

## ESTUARINE IMPACT ASSESSMENT

### **10.280-05 Purpose.**

The purpose of this section is to provide a procedure for evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. Activities which require an impact assessment do not also require a resource capability determination.

Uses which are permitted outright do not require an impact assessment. Uses requiring a special use permit will require an impact assessment only when an environmental impact statement (EIS) is required through the Corps of Engineers section 10/404 permit process. *(Revised by Ordinance No. 6-83, Effective 4.15.83)*

### **10.280-10 Information to be Presented in the Impact Assessment.**

Information contained in an impact assessment shall be used in the evaluation of a use or activity during a special use permit or conditional use permit procedure. As part of the permit review, information developed by resource agencies may be requested and used in the determination. Any possibilities of reducing duplication of effort by the city and other agencies will be utilized so long as the necessary information is adequately analyzed. Information contained in the impact assessment may be drawn from available data and analysis contained in the Lane County Coastal Resources Inventory, environmental impact statements and assessments for projects in the Siuslaw estuary, other published studies pertaining to the Siuslaw River estuary, or more current information provided by applicant. The impact assessment should apply available information to the following general areas of analysis. The Planning Director may waive inapplicable items for any particular use of project.

- (1) Aquatic life forms and habitat, including information on habitat type and use (e.g., rearing, spawning, feeding/resting, mitigation), species present, seasonal abundance, sediment type and characteristics and vegetation present. The type of alteration, including information detailing the extent of alteration (e.g., area measurement, depths to which alteration will extend, volumes of materials removed and/or placed as fill), impacted species (including threatened and endangered species), life states and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.
- (2) Shoreland life forms and habitat, including information on habitat type and use (e.g., feeding, resting or watering areas, flyways), species present, seasonal abundance, soil types and characteristics and vegetation present. Impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.
- (3) Water quality, including information on: increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.
- (4) Hydraulic characteristics, including information on: changes in water circulation patterns, shoaling patterns, potential of erosion in or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction, diversion or impoundment of water resources.
- (5) Air quality, including information on: quantities of emissions of particulates, expected inorganic and organic airborne pollutants.
- (6) Impact of the proposed project on navigation and public access to the shoreline and aquatic areas.
- (7) Demonstration of public need to warrant such a modification to the estuary.
- (8) Demonstration that nonwater dependent uses will not preempt existing or future water-dependent use of the area.

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- (9) Determination of the potential cumulative impact of the proposed development, including alteration of adjacent significant fish and wildlife habitat and essential properties of the estuary.
- (10) Presentation of upland alternatives and methods to minimize preventable adverse impacts.
- (11) Determination of need for mitigation. *(Revised by Ordinance No. 6-83, Effective 4.15.83)*

#### **10.280-15 Impact Assessment Findings.**

Based on results of impact assessment analysis and the approval criteria contained in the applicable zoning district, one of the following findings shall be concluded in approving or disapproving the use permit:

- (1) The proposed development does not represent a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource.
- (2) The proposed development presents a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource, but no reasonable alternatives exist and mitigating measures are proposed which will eliminate or minimize to an acceptable level, adverse environmental impacts. If mitigation is required under ORS 541.626, a mitigation plan shall have been approved by the Division of State Lands before this finding can be made.
- (3) The proposed development will result in unacceptable loss. The proposed use or activity represents irreversible changes and actions. Unacceptable significant adverse impact or reduction of significant fish and wildlife habitat or reduction of essential properties of the estuary will result; or that the adverse consequences of the proposed activity would be likely to result in irreversible trends or changes in estuarine resource properties or functions. *(Revised by Ordinance No. 6-83, Effective 4.15.83)*

#### **10.280-20 Notification of Agencies.**

- (1) Any application that is subject to the provisions of this section shall, as a minimum, be referred to the following:
  - (a) U.S. Fish and Wildlife Service.
  - (b) U.S. Environmental Protection Agency.
  - (c) Oregon State Department of Fish and Wildlife.
  - (d) Oregon State Department of Land Conservation and Development.
  - (e) Oregon State Division of State Lands.
  - (f) National Marine Fishery Service.
  - (g) Army Corps of Engineers.
- (2) Agencies receiving referrals shall be afforded 15 calendar days from date of mailing to review and comment on the proposed activity. *(Revised by Ordinance No. 6-83, Effective 4.15.83)*

### **PARKING SPACE, HEIGHT, AREA, GENERAL BUILDING AND GENERAL LOT AREA AND WIDTH SETBACK REQUIREMENTS**

#### **10.300-05 Parking Areas.**

Required garages and parking areas for residential and industrial development will be found under the zoning classification.

- (1) Residential Properties. The regulations of this subsection are in addition to off-street parking requirements of specific zones.
  - (a) When a single-family residence is located on a site inaccessible by automobile due to topographic conditions or excessive grades, a private garage or parking space shall not be required.
  - (b) Unless otherwise allowed by the zoning district, and exclusive of recreational vehicles, off-street parking shall be limited to passenger cars, vans and pickups of not more than

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one ton manufacturer's capacity rating or comparable size. This size limitation does not apply to vehicles being used in conjunction with Rural Home Occupations.

- (c) Commercial vehicles other than allowed by LC 10.300-05(1)(b) above may be parked on residential properties only for reasonable periods of time for deliveries, structural repair and similar purposes.
  - (d) Recreational or utility vehicles, including, but not limited to, boats and boat trailers, campers and residential-type utility trailers, shall not be parked or stored on the property at any time in a location obstructing motorists' vision clearance of roadways.
  - (e) Unless otherwise allowed by the zoning district, off-street parking areas shall not be used for the dismantling of any vehicle for the purpose of selling, trading or dealing in any manner with components thereof as a primary or secondary business.
  - (f)
    - (i) Inoperable vehicles and parts thereof, junk or salvage materials may be visibly stored on the premises unless such storage interferes with the reasonable use and enjoyment of other lots within 300 feet of the lot used for storage. In that event all automotive parts, junk, salvage material and all but one inoperable vehicle shall be stored in a location not visible from any adjacent road or from ground level of lots within 300 feet which are of similar elevation as the lot upon which the storage is taking place, or shall be screened to prevent such visibility. The allowable inoperable vehicle may be stored within the structural setback area, but shall not be parked or stored at any time in a location obstructing motorists' vision clearance of roadways. Nothing in this subsection shall be construed as allowing storage within the front structural setback area except as otherwise allowed herein.
    - (ii) Names of residents filing complaints under provisions of LC 10.300-05(1)(f)(i) above shall be a matter of public record.
  - (g) Except as allowed by this chapter, vehicles belonging to persons other than those residing on the lot shall not be stored or repaired for remuneration, traded, sold or offered for sale from the property. This includes vehicles left on consignment and vehicles owned temporarily primarily for resale. The sale of more than two vehicles per family member from one lot within a 12-month period shall be interpreted as "temporary ownership" unless the family member has owned said vehicles longer than 12 months.
  - (h) Storage of refrigerators, freezers or other airtight compartments containing more than one and one-half cubic feet shall not occur at any time until the doors have been removed or secured, latches removed or other precautions taken so the compartment can be easily opened from the inside. Any appliance stored in violation of this subsection may be removed by the County from the premises and stored elsewhere at the owner's expense, or other remedial action taken to secure immediate compliance.
- (2) Nonresidential Private Parking.
- (a) Automobile parking space allowing 300 square feet per automobile (parking, plus driving space) shall be provided and maintained for any new or enlarged building as listed below:
    - (i) Churches, auditoriums, theaters, stadiums, clubs and business schools or similar places of assembly, at least one permanently maintained parking space for every four seats provided in said building or structure, provided that 50 percent of the required number may be supplied by off-street parking facilities for other kinds of commercial establishments or uses not normally open, used or operated during the principal operating hours of the place of assembly.
    - (ii) For hotels and apartment hotels, at least one permanently maintained parking space for each of the first 20 individual guest rooms, and one additional parking space for every three guest rooms in excess of 20.

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- (iii) Auto courts shall provide at least one parking space for each lodging unit.
  - (iv) For fraternity, sorority and student houses, at least one parking spaces for each lodging unit.
  - (v) For hospitals and welfare institutions, at least one permanently maintained parking space for each 300 square feet of floor area.
  - (vi) Clinics shall provide at least two parking spaces for each consultation and operating room.
  - (vii) For business or commercial buildings or structures, at least one permanently maintained parking space for every 300 square feet or fraction thereof of floor space within the building, exclusive of automobile parking space.
  - (viii) Mortuaries shall provide parking spaces for all people employed therein, plus at least one parking space for each 100 square feet of building floor area.
  - (b) Parking spaces shall be on the lot with the main building or structure, or located not more than 800 feet therefrom.
- (3) Loading Space. In addition to the 10-foot setback requirement from the centerline of the alley, every hospital, hotel, institution, commercial or industrial building hereafter erected or established which abuts upon an alley or is surrounded on all sides by streets shall have one permanently maintained loading space for commercial vehicles of not less than 10 feet in width and 22 feet in length for each 4,000 square feet of lot area or fraction thereof upon which the building is located, provided that not more than two such loading spaces shall be required.
- (4) Public Parking Areas. Land hereafter used for public parking areas shall be developed according to the following standards:
- (a) Asphaltic, concrete or other approved type of surfacing.
  - (b) Bumper guards where needed.
  - (c) An ornamental fence, wall or hedge enclosing the parking area to a height not less than three feet nor more than six feet, but adhering to the vision clearance and front and side yard setbacks established for the district in which it is located. Said fence, wall or hedge shall be maintained in good condition.
  - (d) When a parking lot adjoins property classified in an "R" District, the setback for the parking lot shall conform to the requirements for the adjacent "R" District and the parking lot shall be six feet in height. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-76, 4.7.76; 9-79, 2.8.80)*

### **10.300-10 Height.**

- (1) Height limits established for the various zones or districts refer to the height of the building proper. Roof structures, such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures, may exceed the height limit herein prescribed.
- (2) On lots sloping downhill from the street, buildings may have an additional story, provided the ceiling of the lowest story is not more than two feet above the average curb level along the front of the lot. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

### **10.300-15 General Building Setback Requirements.**

- (1) Side Yard.
  - (a) No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the District or Zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet.
  - (b) Fences, walls or hedges which tend to serve as a wall or yard enclosure may be maintained in a side yard, provided they do not exceed six feet in height. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-75, 3.26.75)*

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**10.300-20 General Lot Area and Width Requirements.**

- (1) The site area requirements of LC Chapter 10 shall not apply to prohibit the erection of a single-family dwelling on a lot separately owned on or before January 8, 1969, or on any numbered lot in an approved and filed major or minor subdivision plat of record on or before January 8, 1969, except for the EFU A-1, A-2, FM, F-1, F-2 and FF Districts, where use of pre-existing parcels as provided for in a different manner.
- (2) The minimum area requirements of LC Chapter 10 shall not be construed to govern in situations where greater minimum area requirements are imposed or required by state law, state rules and regulations, the provisions of this Code, or other County rules and ordinances.
- (3) Refer also to partition and subdivision criteria of LC Chapter 13 for other lot area, width and depth requirements which may be applicable. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 13-73, 11.21.73 (4.17.74); 3-76, 4.7.76; 1-82, As Amended, 4.16.82; 18-07, 12.27.18)*

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PAGES 10-697 THROUGH 10-720  
ARE RESERVED FOR FUTURE EXPANSION

## **Findings of Fact In Support of Ordinance No. 20-02**

**The Board is being requested to adopt the revision to the County's Flood hazard data.**

Finding: The proposed amendments to Lane Code were initiated by Land Management Division to adopt a revised Flood Hazard Study in Lane County's coastal areas. The proposal consists of updated mapping and new coastal regulatory standards, including the addition of floodplain development standards for Coastal Zone V and Zone VE. The revised maps and code requirements are required to be adopted by the date that the FEMA maps become effective on June 5, 2020, and in order to maintain our Community's participation in the NFIP. In general, the map changes could add or remove properties from the floodplain and includes some changes to the elevation of the 100-year flood.

### Criteria

#### **LC 12.005 Purpose.**

***(1) The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.***

### Finding

The proposed amendments do not impair the purpose of the Rural Comprehensive Plan as the guiding document for Lane County. As a participating community in the NFIP, our community is responsible for making sure that our floodplain management regulations meet or exceed the minimum requirements of the NFIP. The aim of having up-to-date floodplain regulations is to reduce property damage and save lives. The basis for the County's floodplain management regulations (LC Chapters 10.271 and 16.244) comes from the flood hazard data that FEMA provides in periodic updates to communities. FEMA and Oregon have prioritized the Oregon Coast as a priority through the Risk Map project.

Lane County has nearly 140,000 acres of land in the floodplain. Statewide, Lane County has more river miles of floodplain than any other county in Oregon. Seasonal flooding and damage occurs nearly every year. Flood events in April 2019, January 2012, and in 1996 represent more recent significant flooding, particularly along the Siuslaw River. As such, the proposed adoption of the latest flood mapping and corresponding adoption of the Coastal High Hazard area development regulations in Lane Code promote public health and safety, prosperity, the will of the people, and is consistent with the Rural Comprehensive Plan guiding principles above.

#### **LC 12.050 Method of Adoption and Amendment**

***(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.***

### Finding

Not applicable. No comprehensive plan amendment is proposed.



- (2) The Board may amend or supplement the comprehensive plan upon a finding of:**
- (a) an error in the plan; or**
  - (b) changed circumstances affecting or pertaining to the plan; or**
  - (c) a change in public policy; or**
  - (d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.**

Finding

Not applicable. No comprehensive plan amendment is proposed.

**LC 16.252 Procedures for Zoning, Re-zoning, and Amendments to Requirements.**

**(2) Amendments shall comply with this section and shall achieve the general purpose of this chapter and shall not be contrary to the public interest.**

Finding

Since the Flood Study Maps constitute combining zone maps implemented by the /FP zone, and are also required to be adopted by Order pursuant to LC 16.244(3)(c) and LC 10.271-15(3) and referenced at Lane Manual 11.020, the maps are being brought before the BCC for Public Hearings for adoption via an Ordinance and Order. Although Board Orders do not usually require a Public Hearing prior to adoption, the adoption of floodplain combining zone maps is a Type IV legislative proceeding that requires review and adoption by the Board and the Order is concurrent with an Ordinance to amend Lane Code.

No change is proposed to the base zoning (such as Rural Residential, Farm, or Forest zone). Generally, the proposed maps could add or remove properties from the floodplain, include some changes to the elevation of the 100-year flood, and include adoption of regulatory "V" and "VE" flood zones known as Coastal High Hazard Area flood zones.

**Lane County Rural Comprehensive Plan - Goal 7 Natural Hazards:**

**Policy 4. Lane County shall continue as a qualified participant in the Federal Flood Insurance Program through application of comprehensive flood hazards analysis and floodplain management data to general and specific land use decision.**

Finding

The adoption of FEMA's revised flood hazard data (revised flood maps and Coastal High Hazard area development regulations) is directly supported by the above local policy and will allow the continued participation in the National Flood Insurance Program.