

Lane Code
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NATURAL RESOURCES CONSERVATION COMBINING ZONE (/NRC)**10.250-05 Purpose.**

(1) Purpose. The Natural Resource Conservation Combining Zone (/NRC-FCP) is applied to those coastal shorelands identified in inventory information and designated generally in the Florence Comprehensive Plan as possessing a combination of unique physical social or biological characteristics requiring protection from intensive human disturbance. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /NRC-FCP Combining Zone is applied to prominent aesthetic features such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary Zone for additional allowed uses and criteria. The requirements of any adjacent Estuary Zone supersede the requirements of this section of the Code. Shoreland uses and buffers shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

(2) Intent. The requirements imposed by the /NRC-FCP Combining Zone are in addition to those imposed by the respective zone or zones with which the /NRC-FCP is combined. Where the requirements of the /NRC-FCP Combining Zone conflict with the requirements of the base zone, the more restrictive requirements apply. The requirements of the adjacent Estuary Zone supersede the requirements of this section of the Code. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

10.250-10 Permitted Uses.

In addition to the uses specifically allowed in the adjacent Estuary Zone, the following structures and uses and no others are permitted outright specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of riparian vegetation will be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to the approval of plans to ensure the habitat has been adequately considered. The following uses are allowed if consistent with the applicable requirements of the adjacent Estuary Zone:

(1) Harvesting of wild crops.

(2) Low intensity recreation.

(3) In or adjacent to lakes: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. This use as it pertains to the estuary is regulated by the applicable Estuary Zone.

(4) In or adjacent to lakes: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Lane Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources, as provided in the Conditional Use requirements in LC 10.250-20. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, refer to the applicable Estuary Zoning requirements.

(5) In or adjacent to lakes: mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83; 16-11, 2.9.17)*

10.250-15 Special Uses Approved by the Planning Director.

In addition to the Special Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to Type II limited land use procedures of LC Chapter 14 upon satisfaction of the applicable criteria set forth in LC 10.250-30 and -35, except as expressly exempted below and except as expressly prohibited by LC 10-250-25, and provided they are consistent with the requirements of the adjacent Estuary Zone.

(1) Single-family homes, mobile homes, and such accessory buildings as allowed in the underlying zone.

(2) Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /NRC-FCP is combined where existing parcel size is insufficient for the development to meet the development, setback, and area requirements set forth in LC 10.250-30 and -35 provided the following criteria are met:

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

(b) The structures must not occupy more than 30 percent of the lot area.

(c) All applicable height restrictions are observed.

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

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

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

(3) All buildings and uses allowed as permitted uses in the respective zone with which the /NRC-FCP is combined, except as expressly prohibited by LC 10.250-25, and subject to the following additional criteria:

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

(b) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(c) The use will not adversely affect the resource use of adjacent timber or agricultural lands.

(4) Dredged material disposal when the /NRC-FCP Combining Zone is used in conjunction with the /DMS-FCP Combining Zone, subject to the requirements of the /DMS-FCP Combining Zone. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-83, 9.14.83; 16-11, 2.9.17; 20-05, 6.16.20)*

10.250-20 Conditional Uses.

In addition to the Conditional Uses specifically allowed in the adjacent Estuary Zone, the Hearings Official, subject to Type III procedures of LC Chapter 14 may grant a Conditional Use Permit for the following uses, upon satisfaction of the applicable criteria, provided all applicable requirements set forth in LC 10.250-30 and -35 are met and they are found to be are consistent with the requirements of the adjacent Estuary Zone.

(1) All buildings and uses allowed conditionally or by special use permit in the respective zone or zones with which the /NRC-FCP is combined, except where expressly prohibited by LC 10.250-25, and subject to the following criteria:

(a) All applicable criteria provided within the respective zone with which the /NRC-FCP is combined are met.

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

(c) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(2) In Coastal Lakes: public and private docks and piers provided the following criteria are met and the use does not conflict with other requirements of this Code. For this use in or adjacent to the estuary, the requirements of the Estuary Zone apply.

(a) The size and shape must be limited to that required for the intended use.

(b) The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.

(c) For private, individual, single-purpose docks and piers, the applicant must attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

(d) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed use must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(3) Fill in coastal lakes adjacent to the /NRC-FCP Combining Zone is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.

(a) The applicant must submit an analysis of the physical and biological impacts of the proposed fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(b) Cumulative and direct impacts on water quality and fish and wildlife must be minimized.

(c) The benefits of the proposed fill must outweigh the negative impacts on water quality and fish and wildlife and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(4) In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(a) The stabilization is necessary to protect uses allowed in the base zone.

(b) They are necessary because land use management practices and non-structural solutions cannot be used.

(c) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed structure

to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed structure must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 16-83, 9.14.83; 16-11, 2.9.17; 20-05, 6.16.20)*

10.250-25 Prohibited Uses.

Fill in freshwater marsh areas is specifically prohibited. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

10.250-30 Site and Development Requirements.

The following specified development requirements are in addition to those provided by the respective zone or zones with which the /NRC-FCP is combined. See also LC 10.265 for additional requirements that may apply.

(1) For existing lots which are too small to accommodate the combined required setback in the underlying zone and the buffer, development will be allowed within the setback required in LC 10.250-35 only with approval of a variance issued under LC 10.330. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

(2) No more of a parcel's existing vegetation is permitted to be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements, and fire safety requirements.

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

(4) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 10.250-30, where vegetation removal beyond that allowed above cannot be avoided, the site must be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation must be of native species in order to maintain the natural character of the area.

(5) The requirements for parking and vision clearance are as provided by the respective District or Districts with which the /NRC is combined.

(6) No topographic modification is permitted within the 50 foot buffer specified by LC 10.250-35.

(7) The area within the 50 foot buffer must be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50 feet of native vegetation, the following kinds of modifications are allowable:

(a) Foot paths

(b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the County and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.

(c) Replanting of the area or other areas which have been previously cleared.

(8) All mature trees must be retained within the setback area specified by LC 10.250-35, except where removal is subject to requirements of the Oregon Forest Practices Act.

(9) Structures must be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.

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

(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91; 16-11, 2.9.17)

10.250-35 Additional Setback Requirements.

Setbacks must be as required in the base zone plus the additional below-specified setback requirements.

(1) In addition to the yard setbacks required in the base zone, a 50 foot buffer is required. The buffer is measured from the mean high tide for the ocean and estuary and from the average high water for coastal lakes. Use of this 50 foot buffer must be as specified in LC 10.250-30.

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

RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING ZONE (/RD)

10.255-05 Purpose.

The Shoreland Residential Development Combining Zone (/RD-FCP) is applied to residential development management units in the Florence Comprehensive Plan along the Siuslaw River Estuary and Munsel Lake (a Coastal Lake). It is the purpose of the /RD-FCP Combining Zone to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal water. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary Zone for additional allowed uses and criteria. The requirements of any adjacent Estuary Zone supersede the requirements of this section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

The /RD-FCP Zone is specifically designed to carry out the following purposes:

(1) Protection of such natural resources as soil and such natural systems as drainage courses and waterways.

(2) Enhancement of renewable resources such as the coastal fisheries.

(3) Allow for recreation and public access to coastal water.

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

10.255-10 Permitted Uses.

In addition to uses specifically allowed in the adjacent Estuary Zone, the following structures and uses, and no others, are permitted outright when consistent with all of the requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30:

(1) Harvesting of wild crops.

(2) Low intensity recreational activities.

(3) Uses and buildings permitted outright in the base zone.

(4) In or adjacent to lake: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(5) In or adjacent to lake: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Lane Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(6) In or adjacent to lake: maintenance of existing riprap which is currently serviceable and was previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance must not increase the size, extent, or scope of the riprap, and must not otherwise alter the lake. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

(7) In lake: Mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements shall apply.

(8) Public boat launching ramps in lake. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

10.255-15 Special Uses Approved by the Planning Director.

In addition to Special Uses specifically allowed in the adjacent Estuary Zone, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures Type II limited land use procedures of LC Chapter 14 upon affirmative findings of consistency with all of the requirements of an adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30. In addition, uses and buildings permitted in the base zone where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth in LC 10.255-25 and -30, are subject to the following criteria:

- (1) The subject parcel existed prior to July 24, 1980.
- (2) The structures do not occupy more than 30 percent of the lot area.
- (3) All applicable height restrictions are observed.
- (4) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.
- (5) All otherwise applicable requirements of this section are met. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-83, 9.14.83; 16-11, 2.9.17; 20-05, 6.16.20)*

10.255-20 Conditional Uses.

In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted, subject to approval by the Hearings Official. The Hearings Official, subject to Type III procedures of LC Chapter 14 may grant a Conditional Use Permit for the following uses, when consistent with all of the requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30 and upon satisfaction of all applicable criteria.

(1) All buildings and uses allowed conditionally or by special use permit in the base zone, except where expressly prohibited by this section, subject to the following criteria:

- (a) All applicable criteria provided within the base zone are met.
- (b) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(2) In Coastal Lakes, public and private docks and piers provided the following criteria are met and the use does not conflict with other requirements of this Code. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

- (a) The size and shape must be limited to that required for the intended use;
- (b) The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.

(c) For private, individual, single-purpose docks and piers, the applicant must attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

(d) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed use must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.”

(3) In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

- (a) The stabilization is necessary to protect uses allowed in the base zone.
- (b) They are necessary because land use management practices and non-structural solutions cannot be used.

(c) The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

(i) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(ii) Impacts on water quality and fish and wildlife habitat must be minimized.

(iii) The benefits of the proposed structure must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory.

(4) Fill in coastal lakes adjacent to the /RD-FCP Combining Zone is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.

(a) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(b) Impacts on water quality and fish and wildlife habitat must be minimized.

(c) The benefits of the proposed fill must outweigh the negative impacts on water quality and fish and wildlife habitat and must ensure the protection of resources and values identified in the Coastal Resources Inventory. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 16-83, 9.14.83; 7-91, 6.5.91; 16-11, 2.9.17; 20-05, 6.16.20)*

10.255-25 Site and Development Requirements.

The development requirements specified herein are in addition to those provided by the base zone. See also LC 10.265 for additional requirements that may apply.

(1) For existing lots which are too small to accommodate the combined required setback in the base zone and the buffer, development will be allowed within the setback required in LC 10.255-30 only with approval of a variance issued under Lane Code 10.330. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

(2) Development on shorelands within dune areas must not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the proposed structure or structures, accessory buildings, necessary access, and fire safety requirements.

(3) In all cases vegetative cover must be retained on lands within the shoreland area. Construction activities must occur in such a manner as to avoid unnecessary excavation and removal of native vegetation unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods are required during the construction phase of any project.

(4) A minimum fifty foot (50') buffer of native vegetation must be retained along the estuary (as measured from the mean high tide) and Coastal Lakes (as measured from the average high water).

(5) The area within the 50 foot buffer must be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowed:

(a) Foot paths

(b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the County and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.

(c) Replanting of the area or other areas which have been previously cleared.

(6) All mature trees must be retained in the buffer. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 13-82, 7.9.82; 7-91, 6.5.91; 16-11, 2.9.17)*

10.255-30 Additional Setback Requirements.

In addition to the yard setbacks required in the base zone, a 50 foot buffer is required along the estuary (as measured from the mean high tide) and coastal lakes (as measured from the average high water). Use of this 50 foot buffer must be as specified in LC 10.255-25 above. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

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ARE RESERVED FOR FUTURE EXPANSION