

Lane Code
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FLORENCE COASTAL SHORELANDS COMBINING ZONE ADMINISTRATION

10.240-05 Application of Combining Zones.

Florence Coastal Shorelands Combining Zones are applied to Coastal Shorelands within the Florence Urban Growth Boundary. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

10.240-10 Geographic Extent.

Florence Coastal Shorelands include all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal Lakes, and North Jetty Lake. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

10.240-15 Relationship to Estuary Zones.

These combining zones implement policies in the Florence Comprehensive Plan and corresponding “management units.”

The requirements of the adjacent Estuary Zones supersede the requirements for Coastal Shorelands; and the provisions of the adjacent Estuary Zone must be reviewed for any additional uses or requirements that may apply to the respective Coastal Shoreland Combining Zone. Shoreland uses and buffer zones must not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

10.240-20 Consultant's Reports.

Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein; the applicant may be required to submit a supplementary report containing findings prepared by an engineer, hydrologist, environmental scientist, geologist, biologist, or other qualified consultant. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

10.240-25 Uses Subject to State and Federal Permits.

(1) When State or Federal permits, leases, easements or similar types of authorization are also required for use, 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.

(2) Applicants must provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application to the County in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

(3) The approval of any use authorized by the provisions of these Combining Zones must also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(4) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

10.240-30 Relationship to Base Zones.

The requirements imposed by the combining zones are in addition to those imposed by the base zone with which it is combined; or, if the combining zone conflicts with the requirements of that zone, the more restrictive requirements apply. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-FCP)**10.245-05 Purpose and Application.**

(1) Purpose. The purpose of the /PW-FCP Zone is to protect areas in and adjacent to the North Jetty Lake and the South Heceta Junction Seasonal Lakes that have native vegetation and habitats of specific species of concern and to protect wildlife habitat, water quality, bank stability, and provide flood control. The requirements imposed by the /PW-FCP Zone are in addition to those imposed by the zone or zones with which the /PW-FCP Zone is combined. Where the requirements of the /PW-FCP conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements apply.

(2) Application. The Prime Wildlife Combining Zone (/PW-FCP) is applied within the Florence Urban Growth Boundary to Coastal Lake Shorelands identified in inventory information and designated in the Florence Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species. The /PW-FCP Zone applies to the North Jetty Lake Shorelands as shown on the Official Lane County Coastal Zoning Maps. The extent of the /PW zone application for the South Heceta Junction Seasonal Lakes is determined through a Preliminary Investigation as specified below.

(3) Preliminary Investigation. Any land use or building permit application within the /PW-FCP Zone as it applies to the South Heceta Junction Seasonal Lakes requires a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the combining zone apply. The requirements of the combining zone apply in an area generally identified on the Official Lane County Coastal Zoning Maps and, specifically, in the site-specific information submitted by an applicant to determine whether the site possesses areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species identified in the Coastal Resources Inventory, or function to provide or affect water quality, bank stability or flood control. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

10.245-10 Permitted Uses.

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

- (1) Harvesting of wild crops.
- (2) Low-intensity recreation.
- (3) Shore-secured floating moorages, mooring buoys, and other moorage facilities not physically anchored in adjacent lakes. *(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)*

10.245-15 Special Uses Approved by the Planning Director.

The following specified uses are permitted only with a Special Use Permit according to Type II limited land use procedures set forth in LC Chapter 14 provided all criteria below and the requirements set forth in LC 10.245-30, -35, and -40 are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14 days to review and comment on the impact of development on critical habitats and will request suggestions concerning ways to avoid or mitigate identified adverse impacts.

(1) Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zoning zone, provided all requirements set forth in LC 10.245-30, -35, and -40 below are met.

(2) Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /PW-FCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 10.245-30, and -35, below, subject to the following criteria and conditions:

- (a) The subject parcel existed prior to July 24, 1980.
- (b) The structures shall not occupy more than 30 percent of the lot area.
- (c) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.
- (d) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.
- (e) All otherwise applicable requirements of this section are met.

(3) All buildings and uses permitted outright in the respective zone or zones with which the /PW-RCP Zone is combined, except as expressly prohibited by LC 10.245-25 and subject to meeting all of the following criteria:

- (a) Maintain the natural quality of surface and subsurface waters.
- (b) Maintain bank stability.
- (c) Avoid sedimentation of coastal waters including the lakes.
- (d) Maintain a buffer at least comparable to that required in LC 10.245-30 and -35 below, or greater if necessary to provide flood control and preserve important wildlife habitat.
- (e) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.
- (f) Any other applicable criteria provided within the base zone.
- (g) All requirements set forth in LC 10.245-30 and -35, below. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 16-11, 2.9.17; 19-03, 10.29.19)*

10.245-20 Conditional Uses.

The Hearings Official, subject to Type III procedures of LC Chapter 14, may grant a Conditional Use Permit for the following uses, provided all criteria below and the requirements set forth in LC 10-245-30 and -35 below are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14-days to review and comment on the impact of development on critical habitats and request suggestions concerning ways to avoid or mitigate identified adverse impacts.

(1) Riprap and other erosion control structures, provided the following additional criteria are met.

- (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.

(2) All buildings and uses permitted conditionally or by Special Use Permit in the base zone, except as expressly prohibited by LC 10.245-25 below, and subject to the following criteria and the criteria in sections LC 10.245-30 and -35:

(a) Maintain the natural quality of surface and subsurface waters.
 (b) Maintain bank stability.
 (c) Avoid sedimentation of coastal waters including lakes.
 (d) Maintain a buffer at least comparable to that required in LC 10.245-30 and -35 below or greater if necessary to provide flood control and preserve important wildlife habitat.

(e) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

(f) Any other applicable criteria provided within the base zone.

(g) All requirements set forth in LC 10.245-30 and -35. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 13-82, 7.9.82; 16-83, 9.14.83; 16-11, 2.9.17; 19-03, 10.29.19)*

10.245-25 Prohibited Uses.

The following uses are specifically prohibited:

- (1) Fill in coastal lakes.
- (2) Fill in freshwater marsh areas.
- (3) Dredged material disposal. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

10.245-30 Site and Development Requirements.

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

(1) If existing lots which are too small to accommodate the combined required setback in the base zone and the buffer, construction of a residence will be allowed in this total setback providing clearance of vegetation on the remainder of the lot is kept to an absolute minimum and hazard to life and property is minimal and acceptable.

(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) Outside the setback area, construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for public facilities. Where vegetation removal beyond that allowed in section F cannot be avoided, the site must be replanted during the next replanting season to avoid sedimentation of coastal lakes. The vegetation must be of native species in order to maintain the natural character of the area.

(5) No topographic modification is permitted within 100 feet of the shore.

(6) A 100 foot minimum buffer must be left in native vegetation, except where unsurfaced trails are provided.

(7) All mature trees must be retained within the buffer except where removal is subject to requirements of the Oregon Forest Practices Act.

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

(9) 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)*

10.245-35 Additional Setback Requirements.

Setbacks are as required in the zone or zones with which the /PW-FCP Zone is combined. In addition to the yard setbacks in the base zone, a 100 foot buffer is required. Use of this 100 foot buffer is as specified in LC 10.245-30. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

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