

Lane Code  
CHAPTER 10 CONTENTS

FLOODPLAIN COMBINING DISTRICT (/FP)

- 10.271-05 Purpose.
- 10.271-10 Methods of Reducing Flood Losses.
- 10.271-15 Lands to Which This Section Applies.
- 10.271-20 Warning and Disclaimer of Liability.
- 10.271-25 Development Subject to Director Approval.
- 10.271-27 Definitions.
- 10.271-30 Designation of Administrator.
- 10.271-35 Provisions for Flood Hazard Reduction.
- 10.271-40 Emergency Permits.
- 10.271-45 Variance Procedures.

RESOURCE CAPABILITY DETERMINATION

- 10.275-05 Purpose.
- 10.275-10 Definition of Resource Capability.
- 10.275-15 Identification of Resources and Impacts.
- 10.275-20 Resource Capability Determination.
- 10.275-25 Resource Capability Findings.
- 10.275-30 Notification of Agencies.

ESTUARINE IMPACT ASSESSMENT

- 10.280-05 Purpose.
- 10.280-10 Information to be Presented in the Impact Assessment.
- 10.280-15 Impact Assessment Findings.
- 10.280-20 Notification of Agencies.

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

- 10.300-05 Parking Areas.
- 10.300-10 Height.
- 10.300-15 General Building Setback Requirements.
- 10.300-20 General Lot Area and Width Requirements.

**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 areas of flood hazard within Lane County, and overlay the regulations of the underlying zone.

- (1) Areas of 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," 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)*

**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 Special Flood Hazard.** The land in the floodplain within a community subject to a one percent chance of flooding in any given year.

**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.

**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 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 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 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.***

Flood zone	Foundations and Anchoring
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</p>

	<p>prevent flotation, collapse and lateral movement, in accordance with the State of Oregon Manufactured Dwelling Standard.</p> <p>(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:</p> <p>(a) Concrete footings sized for 1000 psf soil pressure unless data to substantiate the use of higher values are submitted.</p> <p>(b) Footings extending below the frost line.</p> <p>(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.</p> <p>(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.</p>
<b>Flood zone</b>	<b>Utilities</b>
Unnumbered "A"	<p>(1) All new or replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.</p> <p>(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</p> <p>(3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.</p>
A1-30, AH, and AE.	<p>(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.</p> <p>(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.</p> <p>(3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.</p>
<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.
A1-30, AH, and AE.	<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>
<b>Flood zone</b>	<b>Elevation: Manufactured Homes</b>
Unnumbered "A"	<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>
A1-30, AH, and AE.	<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-</p>



	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.
<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 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.
<b>Flood zone</b>	<b>Enclosed areas</b>
Unnumbered "A"	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: <ul style="list-style-type: none"> <li>(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.</li> <li>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</li> <li>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.</li> </ul>
A1-30, AH, and AE.	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: <ul style="list-style-type: none"> <li>(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.</li> <li>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</li> <li>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.</li> </ul>
<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

	<p>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>
<b>Flood zone</b>	<b>Subdivisions and Partitions</b>
Unnumbered "A"	<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>
A1-30, AH, and AE.	<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>

*(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)*

**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.

(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.

(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.

(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 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.

(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)*

**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)*

PAGES 10-697 THROUGH 10-720  
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