

**CITY OF FLORENCE  
ORDINANCE NO. 13, SERIES 2018**

**AN ORDINANCE AMENDING CHAPTERS 2 AND 7 OF FLORENCE CITY CODE TITLE 10 CONCERNING TSUNAMI & EARTHQUAKE AMENDMENTS CORRESPONDING TO THE OREGON COASTAL MANAGEMENT PROGRAM 2015 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) COASTAL PROGRAM GRANT.**

RECITALS:

1. The Florence City Council initiated amendments to the Florence City Code on August 20, 2018.
2. On August 30, 2018 notice of the proposed code amendments was sent to the Department of Land Conservation and Development, 40 days prior to the first evidentiary hearing.
3. On September 29<sup>th</sup> and October 3<sup>rd</sup>, notice of hearing was published in the Siuslaw News prior to the Planning Commission hearing of October 9, 2018.
4. On October 13<sup>th</sup> and 17<sup>th</sup>, notice of hearing was published in the Siuslaw News prior to the City Council hearing of October 22, 2018.
5. Planning Commission opened their public hearing October 9, 2018 and deliberated to a decision for a recommendation to the City Council.
6. City Council conducted a public hearing on October 22, 2018 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. Florence City Code Title 10, Chapters 2 and 7 are amended as explained in Exhibit A, as shown in Exhibits B and C, and initiated through Council.
2. This ordinance shall become effective thirty days following adoption. (November 22, 2018).
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 22<sup>nd</sup> day of October 2018.

Second Reading on the 22<sup>nd</sup> day of October 2018.

This Ordinance is passed and adopted on the 22<sup>nd</sup> day of October 2018.

AYES	5	Councilors Greene, Preisler, Lacer, Woodbury and Mayor Henry
NAYS	0	
ABSTAIN	0	
ABSENT	0	

  
\_\_\_\_\_  
Joe Henry, Mayor

Attest:

  
\_\_\_\_\_  
Kelli Weese, City Recorder

**FINDINGS OF FACT  
FLORENCE CITY COUNCIL  
Florence Community Development Department  
Exhibit "A"**

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**Public Hearing Date:** October 22, 2018 **Planner:** Glen Southerland  
**Date of Report:** October 11, 2018  
**Application:** CC 18 12 TA 02 / Ordinance No. 13, Series 2018

**I. PROPOSAL DESCRIPTION**

**Proposal:** A City-initiated update to zoning code (Title 10) to adopt Department of Land Conservation and Development (DLCDC) tsunami "Beat the Wave" model code and definitions.

**II. NARRATIVE**

The Oregon Coastal Management Program of the Department of Land Conservation and Development was awarded funding from the 2015 NOAA Coastal Program. The City of Florence entered into a Memorandum of Understanding for participation in the grant program in 2015. The grant provided assistance developing and drafting comprehensive plan and development code provisions utilizing scientific information from the Oregon Coastal Management Program (OCMP) Tsunami Land Use planning guide and DOGAMI modeling. The proposed local comprehensive plans and development codes are designed to significantly reduce risk and enhance community resilience to a Cascadia Subduction Zone or distant tsunami.

Since August 2017, staff from the City, Siuslaw Valley Fire and Rescue and CERT have held five in-person planning meetings and several phone conferences to review the DOGAMI modeling findings and proposed land use strategies. The proposed text amendments include implementation of the DLCDC model code, development of tsunami evacuation routes to include signage and walking paths, discouraging high density and lodging development within the tsunami zone, requiring where feasible tsunami resilient construction methods in infrastructure development, etc.

These code amendments will include the addition of definitions related to tsunamis, inundation maps, and facilities which may require additional regulation within tsunami inundation areas; regulations regarding essential facilities within tsunami inundation areas; regulations regarding facilities which would create additional risk to life and property; evacuation route improvement requirements; vertical evacuation structures; and options for flexible development of at-risk sites.

A summary of proposed changes by Chapter:

**1. FCC 10-2: General Zoning:**

Addition of Definitions and to FCC 10-2-13.

- a. Essential Facilities
- b. Hazardous Facility
- c. Special Occupancy Structures
- d. Substantial Improvement
- e. Tsunami Inundation Maps (TIMs)
- f. Tsunami Vertical Evacuation Structure

**2. FCC 10-7: Special Development Standards:**

Addition of Section 10-7-5 and other changes proposed for housekeeping which do not change the intent of code.

- a. XXL Prohibited Uses
- b. M Prohibited Uses
- c. Use Exceptions
- d. Evacuation Route Requirements
- e. Tsunami Evacuation Structures
- f. Flexible Development Option

**III. NOTICES**

Notice was submitted to the Department of Land Conservation and Development on August 30, 2018.

Measure 56 Notice was sent to all property owners who may be affected by the proposed regulations on September 17, 2018.

Notice regarding the proposed amendments was published in the September 29, 2018 and October 3, 2018 editions of the Siuslaw News as well as posted on the City of Florence website.

Notice of the City Council Hearing on the subject was published October 13, 2018 and October 17, 2018 as well as posted on the City of Florence website.

At the time of this report, the City had received no written public comments on the proposal.

**IV. APPLICABLE REVIEW CRITERIA**

**Florence City Code, Title 10:**

Chapter 1: Zoning Administration, Section 1-3-C

**Realization 2020 Florence Comprehensive Plan:**

Chapter 1: Citizen Involvement, Policies 4, 5, and 6

Chapter 2: Land Use, Policies 2, 3 and 5; Residential Section, Policy 7

Chapter 7: Development Hazards and Constraints, Policy 1; Earthquake & Tsunami General Policies 1-10; High Tsunami Risk Areas Policies 3 and 5; Hazardous Materials Policy 1

Chapter 11: Utilities, Facilities, and Services, Public Health and Safety Related Services, Policy 9

Chapter 12: Transportation, Policy 33

Chapter 14: Urbanization, UGB Policy 3

**Oregon Revised Statutes:**

ORS 197.610(1) through 197.610(6)

ORS 227.186(4)

**Oregon Administrative Rules:**

(reviewed simultaneously with their respective Comprehensive Plan Policy)

OAR 660-015-0000: Statewide Planning Goals and Guidelines #1 through #14

**V. PROPOSED FINDINGS**

Code criteria are listed in **bold**, with staff response beneath. Only applicable criteria have been listed.

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**FLORENCE CITY CODE**

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**TITLE 10: CHAPTER 1: ZONING ADMINISTRATION**

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**10-1-3: AMENDMENTS AND CHANGES:**

**A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.**

**C. Type IV (Legislative) Changes:**

**1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.**

Application for this legislative change was made by request of the City Council through initiation on August 20, 2018. The proposed changes were considered by the Planning Commission at a public hearing held on October 9, 2018 and their recommendation forwarded to the Council. City Council held a public hearing on October 22, 2018 to receive testimony and discuss the proposed changes.

2. **Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).**

Notification of the City Council legislative public hearing for this application was published in the Siuslaw News two times on October 13 and October 17, 2018. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and state law.

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## **FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**

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### **CHAPTER 1: CITIZEN INVOLVEMENT & OAR 660-015-0000(1)**

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#### **Goal**

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

#### **Policies:**

4. **Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**

This policy is met. The proposed code amendments are consistent with this policy because the notice of the public hearing was noticed in the newspaper prior to a public hearing before the Florence City Council as required by state law, published in the Siuslaw News on October 13 and 17, 2018. Staff also keeps the City's website up to date on when the city meetings are held and materials for the City Council meetings are posted on the website a week prior to the meeting. Agendas for each City Council meeting are also posted in within the Public Works Operations Facility, the temporary City Hall location of the Building, Planning, and Utility Departments.

5. **Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**

The proposal for these actions is consistent with this policy because minutes of all meetings are kept at Public Works, the temporary location of City Hall, posted on the City website, and made available on request to the public.

6. **Planning documents and background data shall be available to interested citizens.**

The proposal for these actions is consistent with this policy because the Resolution, Findings of Fact, staff report and proposed code amendments were available on October 15, 2018 seven days prior to the public hearings as well as posted on the City's website.

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**CHAPTER 2: LAND USE  
& OAR 660-015-0000(2)**

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**LAND USE**

**Goal**

**To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for those decisions and actions.**

**POLICY 2. Land use plans and actions of special districts, County, State and Federal agencies shall be consistent with the Florence Realization 2020 Comprehensive Plan, as amended.**

The code amendments establish a set of code criteria for the location and placement of facilities which, if threatened by an earthquake and/or tsunami, could diminish response to that event or create a further hazardous situation and endanger more lives and property. The intent of these code amendments is to lessen hazardous situations through land use, limiting uses within hazardous areas, and protecting lives and property.

The code amendments are consistent with the Florence Realization 2020 Comprehensive Plan in all aspects.

**POLICY 3. The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes.**

This update of the zoning code will allow for quicker planning decisions for proposals that clearly meet the criteria in code, better assignment of conditions of development approval which will better serve the Florence community, and better enforcement of City zoning. The quality of residential, commercial, and industrial areas within the City within the Tsunami Hazard Overlay Zone will be assured through the enforcement of criteria disallowing certain uses and requiring new development to consider evacuation of employees, guests, and residents when planning new facilities.

**POLICY 5. The City shall periodically review its Comprehensive Plan, consistent with State regulation, to determine whether it continues to reflect the public needs and desires, whether there has been a substantial change in circumstances including, but not limited to, the conditions, findings, or assumptions upon which the Plan was based, or whether it**

**is no longer consistent with one or more statewide planning goals. Where it is found that the Plan no longer meets one or more of the above objectives, the City shall pursue a timely amendment of the Comprehensive Plan under the State's Periodic Review guidelines.**

Whereas much has been learned about the threat of earthquake and tsunamis to the Oregon Coast within the last 20 to 30 years, the City, in conjunction with the Department of Land Conservation and Development, has determined that the Florence Realization 2020 Comprehensive Plan and implementing code should be updated in order to address these threats. Timely regulation of land use can prevent loss of property and injury when these hazardous events occur in the future.

## **RESIDENTIAL**

**POLICY 7. Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare, or natural hazards.**

The proposed code amendments are in keeping with these Comprehensive Plan policies. The proposed amendments limit or restrict residential development densities that could constitute an increased threat to public health and welfare. The proposed limits on density in tsunami hazard areas will prevent the subdivision of land which will place a larger number of people within harm's way.

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## **CHAPTER 7: DEVELOPMENT HAZARDS AND CONSTRAINTS & OAR 660-015-0000(7)**

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### **Goal**

**Policy 1. The City shall restrict or prohibit development in known areas of natural hazard or disaster in order to minimize risk to citizens, reduce the hazard of loss of life and economic investments, the costs of expensive protection works, and public and private expenditures for disaster relief.**

The primary objective of the code amendments is to protect life and property. Other objectives include minimizing disruption and increasing the ability of the City to recover following an event. The code will help the City accomplish its stated policy.



## **EARTHQUAKE & TSUNAMI**

### **General Policies**

- 1. Support tsunami preparedness and related resilience efforts.**
- 2. Take reasonable measures to protect life and property to the fullest extent feasible, from the impact of a local source Cascadia tsunami.**
- 3. Use the Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Inundation Maps applicable to City to develop tsunami hazard resiliency measures.**
- 4. Adopt a Tsunami Hazard Overlay Zone for identified tsunami hazard areas to implement land use measures addressing tsunami risk.**
- 5. Enact design or performance implementing code components in identified tsunami hazard areas.**
- 6. Implement land division provisions to further tsunami preparedness and related resilience efforts.**
- 7. Consider potential land subsidence projections to plan for post Cascadia event earthquake and tsunami redevelopment.**
- 8. Require a tsunami hazard acknowledgement and disclosure statement for new development in tsunami hazard areas.**
- 9. Identify and secure the use of appropriate land above a tsunami inundation zone for temporary housing, business and community functions post event.**
- 10. As part of a comprehensive pre-disaster land use planning effort, consistent with applicable statewide planning goals, identify appropriate locations above the tsunami inundation for relocation of housing, business and community functions post event.**

The code amendments are the City's attempt to adopt DLCD's model code in order to address all of the above policies, recently put into place to facilitate tsunami and earthquake resiliency within Florence. The code addresses each policy in order to regulate development within tsunami hazard areas as designated by DOGAMI's Tsunami Inundation Maps.

## **Policies Related to Reducing Development Risk in High Tsunami Risk Areas**

**The City shall:**

- 3. Prohibit the development of those essential facilities and special occupancy structures identified in ORS 455.446 and ORS 455.447 within the XXL tsunami inundation area.**
- 5. Encourage, through incentives, building techniques that address tsunami peak hydraulic forces which will minimize impacts and increase the likelihood that structures will remain in place.**

### **Hazardous Materials**

**The City shall:**

- 1. Limit or prohibit new hazardous facilities as defined in ORS 455.447 within tsunami inundation zones. Where limiting or prohibiting such facilities is not practical, require adequate mitigation measures consistent with state and federal requirements.**

The code amendments will prohibit essential facilities, hazardous facilities, and special occupancy structures within the XXL tsunami inundation area unless it can be shown that those structures are necessary within that location in order to provide services. The code also allows for developers to disregard height limitations when constructing vertical evacuation structures, which will survive the peak hydraulic forces and increase survivability of its occupants and the structure itself.

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## **CHAPTER 11: UTILITIES, FACILITIES, AND SERVICES & OAR 660-015-0000(11)**

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### **Public Health and Safety Related Services**

- Policy 9. Update public facility plans to plan, fund, and locate future facilities outside of the tsunami inundation zone, whenever possible.**

The amendments prohibit the unnecessary development of essential public facilities within the tsunami inundation zone. Currently no major public facilities are planned within the tsunami inundation zone in the Capital Improvement Plan.

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**CHAPTER 12: TRANSPORTATION  
& OAR 660-015-0000(12)**

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**Policy 33.                   The City shall locate new transportation facilities outside the tsunami inundation zones where feasible.**

The code amendment proposes to limit the uses which can be proposed within M and XXL tsunami inundation zones. Limiting these uses will also have the additional effect of removing the opportunity for new transportation facilities which would be needed to service those facilities from the tsunami inundation zones. This decrease in investment needed within tsunami inundation areas meets the policy requirements of the Comprehensive Plan.

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**CHAPTER 14: URBANIZATION  
& OAR 660-015-0000(14)**

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**UGB Policies**

- 3.                               The City shall:**
- a.                   Limit the allowable uses on property in the tsunami hazard area vacated as the result of an urban growth boundary expansion to relocate existing development. Such limitations shall include permitting only low risk uses, or requiring uses which implement adequate protection or mitigation measures for seismic and tsunami hazards.**
  - b.                   Restrict the development of lodging facilities and higher density residential housing in tsunami inundation zones or require the implementation of protective measures.**
  - c.                   Plan for the location or relocation of critical facilities outside of tsunami hazard area when conducting the land needs analysis.**

The code amendment proposed will apply a restriction of allowable uses on properties within the Tsunami hazard area and allowing only uses which can provide adequate protection or mitigation in the form of evacuation facilities for employees, guests, and residents. The proposed code calls for the location of essential facilities outside of hazard areas and restricting the development of larger lodging facilities or higher-density residential housing outside of inundation zones without the provision of protective measures. The proposed code meets these comprehensive plan policy requirements.

**CHAPTER 197 – COMPREHENSIVE LAND USE PLANNING I**

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**197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.**

**(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.**

Notice of the proposed changes were sent to the Department of Land Conservation and Development on August 30, 2018, more than 35 days prior to the first evidentiary hearing.

**(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.**

All changes were submitted within the timeline established by the State and DLCD.

**(3) Submission of the proposed change must include all of the following materials:**

- (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;**
- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;**
- (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;**
- (d) The date set for the first evidentiary hearing;**
- (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and**

- (f) **Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.**

The required details were submitted to the Department of Land Conservation and Development with the PAPA Online submission on the date stated above.

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## **CHAPTER 227 – CITY PLANNING AND ZONING**

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### **ORS 227.186: Notice to Property Owners of hearing on Certain Zone change: Form of Notice; Exception; Reimbursement of Cost.**

- (4) **At least 20 days but not more than 40 days before the date of the first evidentiary hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.**

The proposed changes may have the effect of rezoning property or effecting the value of property due to the prohibition of certain uses within all tsunami inundation areas. Notice was mailed to affected property owners on September 17, 2018, more than 20 days, but less than 40 days prior to the first evidentiary hearing on the subject. Notice of the Planning Commission public hearing was published within the Siuslaw News on September 29, 2018 and October 3, 2018. Notice of the City Council public hearing was published within the Siuslaw News on October 17 and 20, 2018.

TITLE 10  
CHAPTER 2

**GENERAL ZONING PROVISIONS**

SECTION:

- 10-2-1: Conformance and Permits
- 10-2-2: Similar Uses
- 10-2-3: Building Setback Requirements
- 10-2-4: Height
- 10-2-5: Completion of Buildings
- 10-2-6: Who May Apply
- 10-2-7: Contract Purchasers Deemed Owners
- 10-2-8: Guarantee of Performance
- 10-2-9: Siting Emergency Housing
- 10-2-10: Public Uses
- 10-2-11: Exemption From Partitioning Requirements
- 10-2-12: Uses and Activities Permitted in All Zones
- 10-2-13: Definitions
- 10-2-14: Land Use Category Definitions

**10-2-1: CONFORMANCE AND PERMITS:** No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the district in which such building, structure or land is located and there only after applying for and securing all permits and licenses required by all laws and ordinances of the City.

**10-2-2: SIMILAR USES:** When the term "other uses similar to the above" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same section.

**10-2-3: BUILDING SETBACK REQUIREMENTS:** When the Master Road Plan or Zoning Plan indicate that a right of way will be widened, the setbacks required (front, side and rear yards) shall be measured from the proposed expanded right of way.

A. Front Yard: Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yard; except that eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over three and one-half feet (3 1/2') high may be built within a front yard.

B. Side Yards:

1. 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 (2').
2. The Planning Commission may, upon the joint request of the owners of the adjoining property, permit the erection of private garages, or other buildings, except buildings housing animals, upon or immediately adjacent to the division line between the two (2) properties after an examination of the location and findings have revealed that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor the district in which such permission is granted. The foregoing provision shall be limited to the life of the structure or structures for which the permit is issued.

**10-2-4: HEIGHT:** 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.

**10-2-5: COMPLETION OF BUILDINGS:** Nothing in this Title shall require any change of plans, construction, alteration or designated use of a building upon which construction has actually begun any time previous to the effective date hereof and the ground story framework of which, including the second tier of beams, shall have been completed. However, such entire building must be completed in accordance with the original plans within one year from the date of commencing construction, to be in compliance with this Title.

**10-2-6: WHO MAY APPLY:** In general, only the owner of a subject property may apply for action by the Planning Commission under the provisions of this Title. Others may also apply for action as long as the owner has indicated consent with the application by either signing the application or by submitting a letter or lease to that effect. An individual who has entered into an earnest money agreement to buy a property is considered to have an ownership interest for the purposes of this Title.

**10-2-7: CONTRACT PURCHASERS DEEMED OWNERS:** A person or persons purchasing property under contract, for the purpose of this Title, shall be deemed to be the owner or owners of the property covered by the contract. The City may require satisfactory evidence of such contract of purchase.

**10-2-8: GUARANTEE OF PERFORMANCE:** The City may require that a cash deposit, surety bond or other such guarantee be posted to insure that full and faithful performance by the parties involved.

**10-2-9: SITING EMERGENCY HOUSING:** In the event of a disaster situation, the City Council may designate sites or allow the siting of RVs, motorhomes, park models, and similar self-contained mobile structures in areas in which these uses were previously excluded, to provide housing on a temporary basis for disaster victims and relief workers until said conditions have been alleviated as determined by the City Manager.

**10-2-10: PUBLIC USES:** Land within any zoning district which is designated public in the Florence Comprehensive Plan shall be limited to uses which are consistent with that land use designation. Where public uses are designated in the plan and are implemented as a conditional use, such uses shall be permitted with the requirement of development standards by the City as provided for in the conditional use section of this Title.<sup>3</sup> (Ord. 669, 5-17-82)

**10-2-11: EXEMPTION FROM PARTITIONING REQUIREMENTS:** Public road and highway right-of-way acquisitions are exempt from the minor land partition regulations of this ordinance, providing the remainder of the property meets minimum lot size and setback requirements.\*

**10-2-12: USES AND ACTIVITIES PERMITTED IN ALL ZONES:** The following uses and activities are permitted in all zones without review unless specifically required otherwise:

- A. Operation, maintenance, repair or preservation of public roads and highway facilities, including, but not limited to sewer, water line, electrical power, or telephone or television cable system;
- B. Operation, maintenance, and repair of existing transportation facilities identified in the Transportation System Plan, such as bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;
- C. Authorization of construction and the construction of facilities and improvements identified in the Transportation System Plan or other Public Facilities Plan, where the improvements are consistent with clear and objective dimensional standards; and
- D. Changes to the frequency of transit or airport service.
- E. Exceptions: The following uses and activities require land use approval:

1. Reconstruction or modification of an historic building or other historic structure.
2. Development that requires acquisition of additional property other than the following widening of a public road or highway right-of-way.
  - (a) Right-of-way identified for acquisition on an official map or that is consistent with an established special setback.
 

\* Oregon Attorney General OP-5715, August 23, 1984 states that a county may exempt highway right-of-way acquisitions from the county's land partition regulations except those that partition land located in "exclusive farm use zones" established under ORS 215.203 to 215.263.
  - (b) A minor right-of-way acquisition to permit public road or highway safety improvement or modernization that complies with Section 10-2-12.
3. Temporary location of industrial activities, such as sand and gravel extraction or processing and asphalt or concrete batch plants in, or adjacent to, residential development or sensitive resource areas.
4. Development or activities involving reconstruction or modernization in a location identified as environmentally or culturally sensitive, such as floodplains, estuarine areas, wetlands, and archeological sites.

**10-2-13: DEFINITIONS:** For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

ABUT	Contiguous to; for example, two (2) lots with a common property line are considered to be abutting.
ACCESS	The place, means or way by which pedestrians or vehicles shall have safe, adequate and useable ingress and egress to a property, use or parking space.
ACCESS EASEMENT	An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access cross property under separate ownership from the parcel being provided access. <b>Cross access</b> is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.
ACCESSORY BUILDING	Any detached subordinate building the use of which is incidental, appropriate and subordinate to that of the main building.
ACCESSORY DWELLING UNIT	An accessory building specifically designed and permitted as an additional dwelling, which is incidental, appropriate, and subordinate to a primary dwelling on a property. Accessory dwelling units or ADUs may be part of the same structure as the primary dwelling as



an interior dwelling unit, attached dwelling unit, or a detached dwelling unit on the same lot. Also known as a secondary dwelling unit, granny-flat, or In-law suite.

ACCESSWAYS	A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (i.e., with a public access easement).
AGED PERSON	An individual 65 years of age or older. (Ord. 711, 1-24-84)
ALLEY	A narrow passage through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
ALTER	Any change, addition or modification of construction or occupancy of a building or structure.
ALTER THE ESTUARY	Actions which would potentially alter the estuarine ecosystem include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-land disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources.
ALTERATION	For the purpose of administering Chapters 7, 18, 19, and 24, alteration shall mean any human-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.
ALTERED SHORELANDS	Include shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.
AMENDMENT	A change in the wording, context or substance of this Title, or a change in the zone boundaries or area district boundaries upon the zoning map.
APARTMENT	See "Dwelling, Multiple"
ARTERIAL STREET	The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.
AREAS MANAGED FOR WATER DEPENDENT ACTIVITIES	The Federal Navigation channel, the north jetty, and the estuary where it is adjacent to Water Dependent Sites.
AWNING	Any stationary structure, permanent or demountable, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.
BASE ZONING DISTRICT	The zoning district applied to individual properties as depicted on the City of Florence Zoning Map. The base zoning district may underlie

an Overlay Zoning District, as described in the definition for Overlay District. "Single-family Residential" is an example of a base zoning district.

BASEMENT	A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (1/2) its height is above the average level of the adjoining ground.
BED AND BREAKFAST	A Bed and Breakfast facility means a single-family dwelling containing rooms for rent in accordance with Title 10, Chapter 4 (Conditional Uses).
BICYCLE FACILITY	There are different types of bicycle facilities: In general, a bicycle facility is a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.
BOARD	The Florence Planning Commission or "Florence Design Review Board".
BOARDING HOUSE	A building where lodging, with or without meals, is provided for compensation, but shall not include group care homes, homes for the aged or nursing homes.
BRIDGE CROSSINGS	The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.
BRIDGE CROSSING SUPPORT STRUCTURES	Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.
BUFFER ZONE	A physical setback from a sensitive area used to protect the water quality, the aquatic and riparian wildlife communities, and the habitat value within the sensitive area. The start of the buffer starts at the edge of the defined channel (bank full stage) for streams/rivers, delineated wetland boundary, delineated spring boundary, or average high water for lakes.
BUILDABLE AREA	The portion of a development site not required by this Title or specific conditions, as a yard, open space or easement.
BUILDING	Any temporary or permanent structure constructed and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattels or personal or real property of any kind. The words "building" and "structure" shall be synonymous.
BUILDING HEIGHT	The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.
BULKHEAD	A structure or partition to retain or prevent sliding of the land. A secondary purpose is to protect the upland against damage from wave action.

BURN TO LEARN	A training burn exercise that allows firefighters to practice tactics and strategies under controlled conditions.
CALIPER	Diameter of the trunk of a tree measured 6 inches above the ground (up to and including 4 inch caliper size).
CARPORT	A stationary structure consisting of a roof, its supports, not more than one wall, or storage cabinets substituting for a wall, used to shelter motor vehicles, recreation vehicles or boats.
CARRYING CAPACITY	Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.
CEMETERY	Land uses or intended to be used for the burial of the dead or dedicated for such purposes, including columbarium, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.
CHURCH	See "Place of Worship"
CITY	The City of Florence, Oregon, and its officials or authorized agents.
CITY RECORDER	As used in this Title and Title 11, the person so designated by the City Manager. (Amd. By Ord. No. 30, Series 1990)
CLINIC	Single or multiple offices of physicians, surgeons, dentists, chiropractors, osteopaths, optometrists, ophthalmologists and other members of the healing arts, including a dispensary in each such building to handle merchandise of a nature customarily prescribed by the occupants in connection with their practices.
CLINIC, SMALL ANIMAL	A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with overnight boarding allowed.
CLUB	Any organization, group or association supported by the members thereof, the purpose of which is to render a service but not carried on as a business.
COASTAL LAKES	Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.
COASTAL SHORELANDS	Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.
COASTAL STREAM	Any stream within the coastal zone.
COLLECTOR	A type of street that serves traffic within commercial, industrial, and residential neighborhood areas, connecting local neighborhood or district streets to the arterial network and is part of the street grid system.

COMMISSION	The Florence Planning Commission
COMPREHENSIVE PLAN	The current adopted Comprehensive Plan for the City of Florence.
CONSERVE	To manage in a manner which avoids wasteful or destructive uses and provides for future availability.
CORNER LOT	See “Lot Types”
COTTAGE	A small, detached dwelling clustered around a central outdoor common space.
COTTAGE CLUSTER	A cluster of cottages on a lot. Cottage clusters typically or sometimes can provide common outdoor spaces and common community facilities. Parking is provided in a common lot. Cluster subdivisions are approvable through a Type II land-use application process.
COURT OR COURTYARD	An open unoccupied space, other than a yard, on the same lot with a building.
CROSSWALK	A path marked off on a street to indicate where pedestrians should cross.
CUTBANKS	River terraces possessing steep slopes and subject to erosion and sloughing. Very active erosion usually occurs where the active flow of the main channel is directed toward the bank.
DEDICATE / DEDICATION	The gift of land or an easement by a private person or entity to the City as part of, and a condition of, a real estate development. The City must accept the dedication before it is complete. The owner of the land does not retain any rights that are inconsistent with the complete exercise and enjoyment of the public uses to which the property has been committed. (Ord. 2, Series 2011)
DAY NURSERY	An institution, establishment or place in which are commonly received at one time three (3) or more children not of common parentage, under the age of six (6) years, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.
DEFLATION PLAIN	The broad interdune area which is wind-scoured to the level of the summer water table.
DENSITY	Density, Gross: The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public facilities.  Density, Net: The number of dwelling units per each acre of land, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and other public facilities.
DEVELOP	To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access. “Develop” also includes, but is not limited

to, new building, building alterations or additions, site improvements, or a change in use.

DEVELOPMENT	The act, process or result of developing.
DIAMETER BREAST HEIGHT (DBH)	Diameter of the trunk of a tree measured at 4.5 feet above the ground
DIVERSITY	The variety of natural, environmental, economic, and social resources, values, benefits, and activities.
DOCK	A deck, whether floating or on pilings, that serves as a landing place, recreational facility, etc.
DOLPHIN	A cluster of piles.
DRAINAGEWAY	The bed and banks of a waterway used to discharge surface waters from a given area. It also includes adjacent areas necessary to preserve and maintain the drainage channel.
DRIVEWAY	Unless otherwise specified in this Title, driveway means the area that provides vehicle access to a site from a street or that provides vehicular circulation between two or more noncontiguous parking areas.
DUNE	A hill or ridge of sand built up by the wind along sandy coasts.
DUNE, ACTIVE	A dune that migrates, grows and diminishes from the effect of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes.
DUNE, CONDITIONALLY STABLE	A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.
DUNE, OLDER STABILIZED	A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.
DUNE, OPEN SAND	A collective term for active, un-vegetated dune landforms.
DUNE, RECENTLY STABILIZED	A dune with sufficient vegetation to be stabilized from wind erosion, but with little, if any development of soil or cohesion of the sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.
DUNES, YOUNGER STABILIZED	A wind-stable dune with weakly developed soils and vegetation.
DUNE COMPLEX	Various patterns of small dunes with partially stabilized intervening areas.
DWELLING	A building or portion thereof which is occupied in whole or in part as a residence, either permanently or temporarily by one or more families; but excluding Coast Village, hotels, motels, and tourist

courts; with permanent provision for living, sleeping, eating, food preparation, and sanitation. Dwellings include both buildings constructed on-site and manufactured homes.

DWELLING, DUPLEX A building designated or used exclusively for the occupancy of two (2) families living independently from each other and having separate facilities for each family as defined under "DWELLING" above.

DWELLING, MULTIPLE A building designed and used for occupancy by three (3) or more families, all living independently of each other and having separate facilities for each family as defined under "DWELLING" above.

DWELLING, SECONDARY See ACCESSORY DWELLING UNIT.

DWELLING, SINGLE

- A. A building constructed on-site and designed or used exclusively for the occupancy of one family and having separate facilities for only one family as defined under "DWELLING" above; or
- B. A manufactured home designed and used exclusively for the occupancy of one family as defined under "DWELLING" above and which is located and maintained in compliance with Section 10-12 of this Title.
- C. Except as authorized in B of this definition, in determining compliance with the provisions and uses of this Code, a mobile home, manufactured home, or a modular resembling a mobile home or manufactured home, is not considered a single family dwelling. (Ord. No. 7, Series 1994)

EASEMENT, PUBLIC A right of use of a property given by the owner to the City for public use, and accepted for such use by or on behalf of the public. (Ord. No. 2, Series 2011)

ECOSYSTEM The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are inter-related.

ENCOURAGE Stimulate; give help to; foster.

ENHANCEMENT An action which results in a long-term improvement of existing functional characteristics and processes that is not the results of a creation or restoration action.

ESSENTIAL FACILITIES Buildings and facilities necessary for the provision of basic services to the community and immediate response in the event of emergencies. These facilities typically include (per ORS 455.446):

- A. Hospitals and other medical facilities having surgery and emergency treatment areas;
- B. Fire and police stations;
- C. Tanks or other structures containing, housing or supporting water or fire- suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
- D. Emergency vehicle shelters and garages;
- E. Structures and equipment in emergency preparedness centers;

and  
F. Standby power generating equipment for essential facilities.

ESTUARY	The portion of the Siuslaw River that is semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. The Siuslaw River's estuary extends upstream to the head of tidewater.
ESTUARINE IMPACT ASSESSMENT	An evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. The Estuarine Impact Assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, in place of a Resource Capabilities Assessment, when an Environmental Impact Statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.
FAMILY	One of more persons occupying a single housekeeping unit and using common housekeeping facilities; provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than five (5) persons; ore provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than a total of five (5) physically or mentally handicapped persons or aged persons including their attendants residing at this address who need not be related to each other or to any other unit resident. (Ord. 711)
FILL	For the purposes of this Code and the Comprehensive Plan, the definition of fill shall be the definition used in the Statewide Planning Goals: The placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. <sup>a</sup>
FINANCE OFFICER	As used in this Title and Title 11, the person so designated by the City Manager. (Amd. By Ord. No. 30, Series 1990)
FLOODFRINGE	The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding.
FLOODPLAIN	The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.
FLOOD, REGIONAL (100 YEAR)	A standard statistical calculation used by engineers to determine the probability of server flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than-normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.
FLOODWAY	The normal stream channel and that adjoining areas of the natural

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<sup>a</sup> Note that the Army Corps of Engineers' (ACOE) and the Department of State Lands' (DSL) definitions are different from this Statewide Planning Goals definition and the definitions of this federal and other state agency have been interpreted to include pilings and riprap in the estuary.

	floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations.
FOREDUNE, ACTIVE	An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.
FOREDUNE, CONDITIONALLY STABLE	An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.
FOREDUNE, OLDER	A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.
FOREST LANDS	See definition of commercial forest lands and uses in the Oregon Forest Practices Act and the Forest Lands Goal.
GARAGE, PRIVATE	A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this Title and are not open for use by the general public.
GARAGE, PUBLIC PARKING	A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients as required by this Title, provided said parking spaces are clearly identified as free parking spaces for the building or use required to provide said spaces.
GARAGE, REPAIR	A building used for the storage, parking, care and repair of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, provided the selling of motor fuel and oil for motor vehicles, shall not be conducted.
GEOLOGIC	Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.
GRADE (ADJOINING GROUND LEVEL)	The average of the finished ground level at the center of all walls of a building. If walls are parallel to and within five feet (5') of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.
GROIN	A small structure extending from a shore to protect a beach against erosion or to trap shifting sands.
GROUNDWATER	Water in the zone of saturation beneath the surface of the earth.
GROUP CARE HOME	Any home or institution maintained and operated for the care of more than five (5) physically or mentally handicapped persons or aged persons and attendants residing at this address. (Ord. 711, 1-24-84)
HALF STORY	That part of any building wholly or partly within the roof frame and not occupying more than two-thirds (2/3) of the floor area immediately below it.



HARDPAN	A layer of hard soil usually formed by clay particles cemented by iron oxide or calcium carbonate.
<u>HAZARDOUS FACILITY</u>	<u>Structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released (per ORS 455.446).</u>
HEADLANDS	Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. Oregon headlands are generally identified in the report on Visual Resource Analysis of the Oregon Coastal Zone, OCCDC, 1974.
HISTORICAL RESOURCES	Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past. (See Archaeological Resources definition).
HOME OF THE AGED	Any home or institution that provides board and domiciliary care for compensation to three (3) or more persons who are of the age of sixty-five (65) years of more, or persons of less than sixty-five (65) years who, by reasons of infirmity, require domiciliary care.
HOME OCCUPATION	<p>Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria:</p> <ol style="list-style-type: none"> <li>A. No employment of help other than the members of the resident family.</li> <li>B. No use of material or mechanical equipment that is inconsistent with the residential character of the neighborhood.</li> <li>C. No sales of products or services not produced on the premises.</li> <li>D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.</li> <li>E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.</li> <li>F. No storage of materials/supplies outdoors.</li> <li>G. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.</li> <li>H. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by Home Occupations color, materials, construction, lighting, signs, sounds, noises or vibrations).</li> <li>I. There shall be no use of utilities or community facilities beyond that normal to residential purposes.</li> </ol>
HOSPITAL	Any building or institution providing healing, curing and nursing care, and which maintains and operates facilities for the diagnoses, treatment and care of two (2) or more non-related individuals suffering from illness, injury or deformity or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding

twenty-four (24) hours.

HOTEL	Any building or group of buildings used for transient residential purposes containing four (4) or more guest units with or without housekeeping facilities.
HUMMOCK, ACTIVE	Partially vegetated (usually with beach grass), circular, and elevated mounds of sand which are actively growing in size.
HYDRAULIC	Related to the movement or pressure of water. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.
HYDRAULIC PROCESSES	Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes, and rivers).
HYDROGRAPHY	The study, description and mapping of oceans, estuaries, rivers and lakes.
HYDROLOGIC	Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.
IMPACT	The consequences of a course of action; effect of a goal, guideline, plan or decision.
INSURE	Guarantee; make sure or certain something will happen.
INTEGRITY	The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.
INTERDUNE AREA	Low-lying areas between higher sand landforms and which are generally under water during part of the year. (See also Deflation Plain.)
INTERTIDAL	Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).
JETTY	A structure extending seaward from the mouth of a river designed to stabilize the rivermouth by preventing the buildup of material at the river's mouth, and to direct or confine the stream or tidal flow
KEY FACILITIES	Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage and solid waste disposal.
LCDC	The Land Conservation and Development Commission of the State of Oregon. The members appointed by the Governor and confirmed by the Oregon Senate in accordance with the requirements of ORS 197.030.
LEVEL OF	A quantitative standard for transportation facilities describing

SERVICE	operational ("LOS") conditions. Level of Service may be described for intersections (signalized or unsignalized) or street segments (between signalized intersections).
LIGHTING	Refer to Chapter 37 of this Title for all definitions relating to lighting regulations.
LITTORAL DRIFT	The material moved, such as sand or gravel, in the littoral (shallow water nearshore) zone under the influence of waves and currents.
LOADING SPACE	An off-street space or berth on the same lot with a main building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access on a street or alley, or other appropriate means of access.
LOCAL STREET	A street primarily for access of abutting properties.
LOT	Land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this Title and having frontage upon a street.
LOT AREA	The total area within the lot lines of a lot measured on a horizontal plane.
LOT COVERAGE	That portion of a lot which, when viewed directly from above, would be covered by buildings, access ways, parking spaces and surfaced areas.
LOT LINE	<ul style="list-style-type: none"> <li>A. Front: The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Code.</li> <li>B. Rear: The property line which is opposite and most distance from the front lot line. In the case of triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.</li> <li>C. Side: Any property line which is not a front or rear lot line.</li> </ul>
LOT MEASUREMENTS	<ul style="list-style-type: none"> <li>A. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.</li> <li>B. Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.</li> </ul>
LOT TYPES	<ul style="list-style-type: none"> <li>A. Corner: A lot or development site bounded entirely by streets, or a lot having only one side not bounded by a street, or a lot which adjoins the point of intersections of two (2) or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with side lot lines forms an angle of one hundred thirty five degrees (135) or less. In the event that any</li> </ul>

street line is a curve at its point of intersection with a side lot line, the tangent to the curve at the point of intersection shall be considered the direction of the street line.

- B. Double Frontage or Through: A lot development site other than a corner lot with frontage on more than one street.
- C. Interior Lot: A lot or development site other than a corner having frontage only on one street.

MAIN BUILDING	A building within which is conducted the principal use permitted on the lot, as provided by this Title.
MAIN CHANNEL	That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.
MAINTAIN	Support, keep, and continue in an existing state or condition without decline.
MANAGEMENT UNIT	A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.
MANUFACTURED HOME	A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty or more body feet in length, or when erected on site is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems herein. A manufactured home is a home built on or after June 15, 1976, to the standards and requirements of the National Manufactured Home Construction and Safety Standards Act of 1974
MEDICAL MARIJUANA FACILITY	A medical marijuana dispensary business required to register with the Oregon Health Authority under ORS 475.314.
MINING	All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or non-surface impacts of underground mines.
MINOR NAVIGATIONAL IMPROVEMENTS	Alterations necessary to provide water access to existing or permitted uses in Conservation Management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than

floating breakwaters or similar permeable wave barriers.

MITIGATION	The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.
MOBILE HOME	A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes which was built prior to June 15, 1976 under the State Mobile Home Code in effect at the time of construction.
MOBILE HOME/ MANUFACTURED HOME PARK	A place where four (4) or more mobile homes/manufactured homes are located within five hundred feet (500') of one another on a lot, tract or parcel of land under the same ownership.
MOBILE HOME SPACE	A plot of ground within a mobile home park that is designed for the accommodation of one mobile home
MODULAR BUILDING	A building constructed off-site which does not have axles or a frame, but which conforms to all local building codes.
MOTEL	See "Hotel".
MULTI-USE PATH	A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; shared with pedestrians, skaters, and other non-motorized users. (Ord. No. 2, Series 2011)
MULTI-USE PATHWAY	A transportation facility serving pedestrians, bicycles and, where allowed, equestrian usage.
MULTI-USE TRAIL	An unpaved path that accommodates pedestrians; shared with other non-motorized users. (Ord. No. 2, Series 2011)
NATURAL AREAS	Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific, or paleontological features, or for the appreciation of natural features.
NATURAL HAZARDS	Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.
NATURAL RESOURCES	Air, land and water and the elements thereof which are valued for their existing and potential usefulness to humans.
NEIGHBORHOOD COMMERCIAL	The following uses are defined as neighborhood commercial: grocery stores or markets, banks, drugstores, restaurants (except drive-ins or walk-ups), variety stores, small specialty stores such as florist or bicycle shops, barber and beauty shops, laundromats, and day nurseries. In general, neighborhood commercial is intended to be a small scale, neighborhood shopping center with more than one business, although a single multi-purpose convenience store would

also qualify. Neighborhood commercial is not intended to be combined with a residence or to be located in a converted residence or garage. A minimum lot size of twelve thousand (12,000) square feet is required.

**NONCONFORMING USE**

A building, structure or land use which lawfully existed at the time this Title became effective, but does not conform to the use regulations, setbacks, maximum lot coverage, or other provisions herein established for the district or zone in which it is located.

**NON-STRUCTURAL EROSION CONTROL SOLUTIONS OCCDC**

Alternatives to erosion control structures, including, but not limited to, a combination of soils, sands, gravels and stone in conjunction with biodegradable protective materials and live plant materials.

Oregon Coastal Conservation and Development Commission created by ORS 191; existed from 1971 to 1975. Its work is continued by LCDC.

**OCEAN FLOODING**

The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding. Ocean flooding is more specifically defined in the individual Chapters of this Plan as it pertains to the policies and objectives in the respective chapters.

**OPEN SPACE**

Any publicly or privately owned land that is retained in a substantially natural condition and incorporates an adjacent parkland improved for recreational uses such as, picnicking, nature interpretive trails or multi-use paths. Open spaces may also include seasonal lakes, lands protected as important natural resources such as wetlands or riverine areas, and lands used as buffers when such lands incorporate areas for the design features mentioned above. Open space does not include residential lots or yards, streets or parking areas. (Ord. No. 2, 2011)

**OVERLAY ZONING DISTRICT**

A zoning district that applies to property in addition to a "Base Zoning District." In Title 10 of the Florence City Code, "Natural Resources Conservation Overlay District" is an example of an overlay zoning district and "Single-family Residential" is an example of a base zoning district.

**PARKING AREA PRIVATE**

Private or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this Title for retail customers, patrons and clients. (Ord. 625, 6-30-80).

**PARKING SPACE**

A permanently maintained space with proper access for one automobile. (Ord. 669, 5-17- 82).

**PARKLANDS**

Provide for human development and enrichment, and include, but are not limited to: open space and scenic landscapes that provide a place for people to exercise and interact; active recreational lands;

historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seated areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities. (Ord. No. 2, Series 2011)

**PIER** A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection.

**PILE** A long, heavy timber or section of concrete or metal to be driven or jettted into the earth or seabed to serve as a support or protection.

**PILING** A group of piles

**PLANNING DIRECTOR OR DIRECTOR** As used in this Title and Title 11, the person so designated by the City Manager. (Amd. by Ord. 30, Series 1990).

**PLACE OF WORSHIP** A church, synagogue, temple, mosque, chapel, meeting house, or other nonresidential place of worship that is customarily associated with the practices of religious activity, including: worship services, religion classes, weddings, funerals, meal programs, child care (not including private or parochial school education for prekindergarten through grade 12 or higher education), or providing housing in a building that is detached from the place of worship meeting the criteria of FCC 10-4-12-A.

**PUBLIC ACCESS EASEMENT** A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

**POLLUTION** The introduction of contaminants into an environment that causes instability, disorder, harm or discomfort to the ecosystem, i.e., physical systems or living organisms.

**PRESERVE** To save from change or loss and reserve for a special purpose.

**PROTECT** Save or shield from loss, destruction, or injury or for future intended use.

**PROVIDE** Prepare, plan for, and supply what is needed.

**PUBLIC FACILITIES AND SERVICES** Projects, activities and facilities which the City of Florence determines to be necessary for the public health, safety and welfare.

**PUBLIC GAIN** The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.

**QUALITY** The degree of excellence or relative goodness.

**RECREATION** Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.

Coastal Recreation occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It

includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.

Low-Intensity Recreation does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.

High-Intensity Recreation uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.

RECREATIONAL  
VEHICLE

A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes (except as permitted in Coast Village District) and has floor space of less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

RECREATION  
NEEDS

Existing and future demand by citizens and visitors for recreation areas, facilities, and opportunities which can contribute to human health, development, and enrichment. (Ord. No. 2, Series 2011)

RESOURCE  
CAPABILITIES  
ASSESSMENT

An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. The assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, except where an Estuarine Impact Assessment is required instead. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

RESTING AND  
PASSING SPACE

A turnout from a trail or path, wheelchair rest spots, trash containers, landscape and/or shelter facilities or interpretive displays. (Ord. No. 2, Series 2011)

RESTORE

Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events. For the purposes of Goal 16, estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after



alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began. The following are more specific definitions of active and passive restoration:

Active Restoration involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, planting vegetation, or rebuilding deteriorated urban waterfront areas.

Passive Restoration is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

RIGHT OF WAY	A public use area that allows for the passage of people or vehicles. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency.
RIPARIAN	Of, pertaining to, or situated on the edge of the bank of a river or other body of water.
RIPRAP	A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.
ROOMING HOUSE	See "Boarding House".
ROOT GUARDS	Tree root barriers commonly used in street tree applications to prevent mature tree roots from damaging surrounding walkways, streets and landscapes.
SALT MARSH	A tidal wetland supporting salt-tolerant vegetation.
SEAWALL	A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. See also BULKHEAD.
SEDENTARY	Attached firmly to the bottom, generally incapable of movement.
SEDIMENT	Any particulate matter that can be transported by fluid flow and which eventually is deposited. Sediments are most often transported by water (fluvial processes), transported by wind (aeolian processes), and glaciers. Beach sands and river channel deposits are examples of fluvial transport and deposition, though sediment also often settles out of slow-moving or standing water in lakes and oceans. Sand dunes are examples of aeolian transport and deposition.
SEDIMENTATION	The process of forming sediment in liquid: the process by which particles in suspension in a liquid form sediment.

**SENSITIVE AREA** Natural streams (perennial or intermittent), rivers, including the estuary, lakes, or wetlands hydraulically connected by surface water to streams, rivers, or lakes and areas defined by the City of Florence's Local Wetlands and Riparian Inventory. Also, includes all areas that are protected for species as per areas designated by Oregon Department of Fish and Wildlife, Oregon Division of State Lands, National Marine Fisheries Service, United States Fish and Wildlife Service and Oregon Department of Transportation.

**SERVICE STATION** A place or station selling petroleum products, motor fuel and oil for motor vehicles; servicing batteries; furnishing emergency or minor repairs and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing; and at which accessory sales or incidental services are conducted.

**SHOAL** A sandbank or reef creating shallow water, especially where it forms a hazard to shipping A shoal or sandbar (also called sandbank) is a somewhat linear landform within or extending into a body of water, typically composed of sand, silt, or small pebbles. A bar is characteristically long and narrow (linear) and develops where a stream or ocean current promotes deposition of granular material, resulting in localized shallowing (shoaling) of the water.

**SHOALING** A decrease in water depth, especially near a shoreline.

**SHORELINE** The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.

**SHORT-TERM RENTAL** A short-term rental is a rental unit which is occupied by a tenant for fewer than 30 days per month. Vacation rentals, hotels, motels, and bed and breakfasts are examples of short-term rentals.

**SIGNIFICANT HABITAT AREAS** A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.

**SOCIAL CONSEQUENCES** The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.

**SPECIAL OCCUPANCY STRUCTURES**

A class of structures particularly vulnerable to earthquakes and tsunamis due to the nature of their use or occupancy. These structures typically include (per ORS 455.446):

- A. Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;
- B. Buildings with a capacity of greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;
- C. Buildings for colleges or adult education schools with a capacity of greater than 500 persons;
- D. Medical facilities with 50 or more resident, incapacitated persons not included in subsection (a) through (c) of this paragraph;
- E. Jails and detention facilities; and
- F. All structures and occupancies with a capacity of greater than 5,000 persons.

SPECIAL USE PERMIT	The administrative approval of a use or activity based on criteria and standards set forth in the Florence City Code (as differentiated from a Conditional Use Permit, which requires public hearings and Planning Commission approval).
STORY	That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or, for the topmost story, the ceiling above.
STREET	A public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more lots, parcels, areas or tracts of land; excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A "road" or "street" includes the land between right-of-way lines, whether improved or unimproved.
STRUCTURE	See "Building." For the purposes of administering Code Chapters 7, 18, 19, and 24, the definition shall also mean anything constructed, installed, or portable, the use of which requires a location on the ground, either above or below water.
<u>SUBSTANTIAL IMPROVEMENT</u>	<u>Any repair, reconstruction, or improvement of a structure which exceeds 50 percent of the real market value of the structure.</u>
SUBSTRATE	The medium upon which an organism lives and grows. The surface of the land or bottom of a water body.
SUBTIDAL	Below the level of mean lower low tide (MLLT).
TEMPORARY ESTUARY ALTERATION	Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by the Florence Comprehensive Plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance), (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and (3) minor structures (such as blinds) necessary for research and educational observation.
TERRITORIAL SEA	The ocean and seafloor area from mean low water seaward three nautical miles.
TIDAL MARSH	Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation.
TOURIST COURT	See "Hotel".
TRADITIONAL CULTURAL PROPERTY	A place which is culturally significant because of its association with cultural practices or beliefs of a living community that are rooted in that community's history and that are important in maintaining the continuing cultural identity of the community.

TSUNAMI  
INUNDATION  
MAPS (TIMs)

The map, or maps in the DOGAMI Tsunami Inundation Map (TIM) Series, published by the Oregon Department of Geology and Mineral Industries, which cover(s) the area within the City of Florence.

TSUNAMI  
VERTICAL  
EVACUATION  
STRUCTURE

A building or constructed earthen mound that is accessible to evacuees, has sufficient height to place evacuees above the level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.

TYPE III  
BARRICADE

A portable or fixed device having three rails with appropriate markings that is used to control road users by closing, restricting, or delineating all or a portion of the right-of-way. The reflective sheeting shall be a minimum of High Intensity Prismatic or Diamond grade with a base color of orange. Design specifications for a Type III Barricade is provided in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA).

USE

The habitual or customary activity occurring on the land or in a building thereon.

VISION  
CLEARANCE

A triangular area at an intersection; the space being defined by a line across the corner, the ends of which are on street lines or alley lines, an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction from two and one-half feet (2 1/2') above the street grade to a height of eight feet (8').

WALKWAYS

A sidewalk or pathway, including accessways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable.

WATER  
DEPENDENT  
SITES

Sites designated in the Florence Comprehensive Plan and zoned to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by the Shallow Draft Development Oregon Estuary Classification. Two sites in the Florence UGB have been designated Water Dependent: the site zoned Marine along the estuary near the west edge of the UGB and the site zoned Waterfront Marine in Old Town.

WATER-  
DEPENDENT USE

A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water, where:

"Access" means physical contact with or use of the water;

"Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;

"Water-borne transportation" means use of water access:

- 1) Which are themselves transportation (e.g., navigation);
- 2) Which require the receipt of shipment of goods by water; or
- 3) Which are necessary to support water-borne transportation (e.g. moorage fueling, servicing of watercraft, ships boats, etc.

terminal and transfer facilities;

"Recreation" means water access for fishing, swimming, boating, etc. Recreation uses are water dependent only if use of the water is an integral part of the activity.

"Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

"Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

Typical examples of "water dependent uses" include the following:

- 1) "Industrial" – e.g. manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.
- 2) "Commercial" e.g., commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.
- 3) "Recreational", e.g., recreational marinas, boat ramps and support.
- 4) Aquaculture
- 5) Certain scientific and educational activities which, by their nature, require access to coastal waters – estuarine research activities and equipment mooring and support.

Examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses; and boardwalks

**WATER ORIENTED**

A use whose attraction to the public is enhanced by a view of or access to coastal waters.

**WATER-RELATED**

Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

**WETLANDS**

Land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands."

**WRECKING YARD,  
MOTOR VEHICLES  
BUILDING  
MATERIALS**

Any premises used for the storage, and dismantling or sale of either used motor vehicles, trailers, machinery or building materials or parts thereof.

YARD	An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
YARD, FRONT	An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.
YARD, REAR	An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.
YARD, SIDE	An area adjacent to any side lot line the depth of which is a specified horizontal distance measured at right angles to the side lot line and being parallel with said lot line. (Ord. 625, 6-30-80) (Amended Ord. No. 9, Series 2009)

**10-2-14: LAND USE CATEGORY DEFINITIONS:** The following are land uses and activities grouped into use categories on the basis of common functional, product, or physical characteristics and defined as follows.

#### **Industrial Use Categories**

INDUSTRIAL SERVICE	Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
MANUFACTURING AND PRODUCTION	Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
WAREHOUSE, FREIGHT MOVEMENT, AND DISTRIBUTION	Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
WATER-RELATED INDUSTRIAL USE	Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Municipal waste-related industrial uses are those solely owned by, or in partnership with the City of Florence.
WHOLESALE SALES	Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial

businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

### **Commercial Use Categories**

EDUCATIONAL SERVICES	Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental training, education, and/or tutoring. Some examples are nursing and medical training centers accessory to a hospital or college or an after school math and reading center. Educational service uses are distinct from college and school land use categories.
OFFICE	Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.
PARKING FACILITY	Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility may be a surface parking lot or structured parking garage. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking facility.
QUICK VEHICLE SERVICING	Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (different than Vehicle Repair). Some examples are car washes, quick lubrication services and gas stations.
RETAIL SALES	Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public.
RETAIL ENTERTAINMENT	Retail Entertainment firms provide consumer-oriented entertainment, activities or games to the general public. Some examples are game arcades, theaters and health clubs.
RETAIL SERVICE AND REPAIR	Retail Service firms provide personal services and/or provide product repair for consumer and business goods. Some examples are photographic studios, dance classes, locksmith and upholsterer (different than Quick Vehicle Servicing and Vehicle Repair).
VEHICLE REPAIR	Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed (different than Quick Vehicle Servicing). Some examples are auto repair or body shop, auto detailing and auto tire sales and mounting.

### **Institutional and Civic Use Categories**

BASIC UTILITIES	Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally
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do not have regular employees at the site. Services may be public or privately provided. Some examples are electrical substations, water storage facilities, sewer pump stations and bus stops.

**COMMUNITY SERVICES**

Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions but are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. Some examples are libraries, museums and social service facilities.

**DAYCARE**

Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

**PARKS AND OPEN AREAS**

Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

**Other Use Categories**

**OUTDOOR DISPLAY**

The keeping, in an outdoor area, of merchandise or goods for purposes of sale or exhibit.

**OUTDOOR STORAGE**

The keeping, in an outdoor area, of material, supplies, or vehicles for purposes of storing or holding.

**RADIO FREQUENCY TRANSMISSION FACILITIES**

Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.

**REGIONAL UTILITY CORRIDORS AND RAIL LINES**

This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, oil, water, sewage, communication signals, or other similar services on a regional level; utilities and easements for on-site infrastructure to serve development is not considered regional utility corridors. This category also includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad.



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Amended by Ordinance No. 15, Series 1988  
Amended by Ordinance No. 2, Series 2000  
Amended by Ordinance No. 12, Series 2002  
Sections 10-2-14 and 10-2-15 removed by Ordinance No. 9, Series 2009  
Section 10-2-8 deleted and all subsequent sections renumbered by Ord. No. 4, Series 2011 (Exhibit 4E) effective 4-22-11  
Section 10-2-9 amended by Ordinance No. 21, Series 2011 (exhibit D) – effective 1-5-12  
Section 10-2-12 amended by Ordinance No. 5, Series 2012 (exhibit C) – effective 1-16-13  
Section 10-2-6 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)  
Sections 10-2-13 and 10-2-14 amended by Ord. No. 11, Series 2016 (effective 11/16/16)  
Section 10-2-13 amended by Ord. No. 4, Series 2018 (effective 6/21/18)  
Section 10-2-13 amended by Ord. No. XX, Series 2018 (effective XX/XX/XX)

TITLE 10  
CHAPTER 7

**SPECIAL DEVELOPMENT STANDARDS**

SECTION:

- 10-7-1: Purpose  
 10-7-2: Identification of Wetlands and Riparian Areas and Potential Problem Areas  
 10-7-3: Development Standards for Potential Problem Areas  
 10-7-4: Development Standards for Wetlands and Riparian Areas  
10-7-5: Development Standards for Tsunami Hazard Overlay Areas  
 10-7-56: Site Investigation Reports (SIR)  
 10-7-67: Review and Use of Site Investigation Reports ~~(Amended Ord. 10, Series 2009)~~

**10-7-1: PURPOSE:** The purpose of this Chapter is to apply additional development standards to areas with wetlands or riparian areas and potential problem areas, such as natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. Compliance with these standards is required in order to obtain a permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. (Amended Ord. No. 10, Series 2009)

**10-7-2: IDENTIFICATION OF WETLANDS & RIPARIAN AREAS & POTENTIAL PROBLEM AREAS:**

At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

- A. "Hazards Map", Florence Comprehensive Plan Appendix 7.
- B. "Soils Map", Florence Comprehensive Plan Appendix 7. (Ord. 625, 6-30-80)
- C. "Beaches and Dunes Overlay Zone." See Chapter 19 for overlay zone requirements. Where conflicts exist between that chapter and this one, the more restrictive requirements shall apply.
- D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.
- E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)

**10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS:** The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

- A. Special Flood Hazard Area: All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.

- B. River Cutbanks: No building shall be permitted within fifty feet (50') from the top of a river cutbank.
- C. Active Dune Advancing Edge: No building shall be permitted within one hundred feet (100') of the leading edge of an active dune, except by Planning Commission approval where it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. (Ord. 24, Series 2008)
- D. Ocean Flooding, Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).
- E. Slopes Greater than Twelve Percent: For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.
- F. Active Dune Sands: Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, except where vegetative stabilization is prohibited on the property of State or Federal agencies, and it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. Stabilization may be required prior to development in cases where there are large unstabilized areas.
- G. Brallier and Heceta Soils: In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.
- H. Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended): In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82) (Amended Ord. 10, Series 2009)

**10-7-4: DEVELOPMENT STANDARDS FOR WETLANDS AND RIPARIAN AREAS:**

- A. Purpose: Significant wetlands, and their related wetland buffer zones, and significant riparian corridors provide hydrologic control of floodwaters; protect groundwater and surface water quality; provide valuable fish and wildlife habitat, including habitat for anadromous salmonids; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks and shorelines; and provide educational and recreational opportunities. It is recognized that not all resources will exhibit all of these functions and conditions.

The purpose of this Subsection (FCC 10-7-4) is to protect significant wetlands, wetland buffer zones, and significant riparian corridors in order to:

1. Implement the goals and policies of the Comprehensive Plan;
2. Satisfy the requirements of Statewide Planning Goal 5 and ensure consistency with adopted City Stormwater requirements in Florence City Code Title 9 Chapter 5;
3. Safeguard the City's locally significant wetland and riparian areas, especially the flood control and water quality functions these areas provide for the community;

4. Safeguard fish and wildlife habitat;
5. Safeguard water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;
6. Safeguard the amenity values and educational opportunities for City's wetlands and riparian areas for the community; and
7. Improve and promote coordination among Federal, State, and local agencies regarding development activities near wetlands and riparian areas.

B. Applicability:

1. Affected Property: The procedures and requirements of the Significant Wetland and Riparian Area Standards:
  - a. Apply to any parcel designated as having a Significant Goal 5 Wetland or Significant Goal 5 Riparian Corridor, and Significant Wetland Buffer Zones, as defined in FCC Title 9 Chapter 5 and FCC Title 10 Chapter 2. Significant Goal 5 wetlands and significant riparian corridors are mapped in Appendix A of the 2013 Inventory and Tables 2.1 and 2.2 and the Significant Wetland and Riparian Reaches Maps in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), as amended, in Comprehensive Plan Appendix 5, which is adopted into this Code by reference.
  - b. Apply in addition to the stormwater standards in FCC 9-5-3-3-F (incorporated herein) and the standards of the property's zoning district, except that the required setbacks in this subsection are not in addition to the required setbacks in the underlying zone. Where conflicts exist between this subsection and the underlying zoning district, this subsection shall apply.
2. Applicability to properties adjacent to the side channel of Munsel Creek (Reach RMC- Cs in the 2013 Inventory). These properties are subject to special setback reductions and provisions, as set out below, due to the unique development patterns and history of the area. These special provisions are supported by, and explained in, the Economic, Social, Environmental, and Energy (ESEE) Analysis and Limited Protection Program (ESEE Analysis) in Chapter 3 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan in Appendix 5 of the Comprehensive Plan. The ESEE Analysis is adopted as part of the Comprehensive Plan and is incorporated herein by reference.
3. Applicability to public facilities in significant wetlands. Public facilities (transportation, water, wastewater, and stormwater) that are included in the City's Public Facility Plan, as amended, are exempt from the requirements of this subsection provided that permitted uses are designed and constructed to minimize intrusion into the riparian area; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained. This exemption is authorized by the ESEE Analysis in Appendix 5 of the Comprehensive Plan. See Section, "Exemptions," below.

C. Activities Subject to Standards and Requirements: Activities subject to the Special Development Standards in this subsection shall include the following, unless specifically exempted by Code:

1. Partitioning and subdividing of land;
2. New structural development;
3. Exterior expansion of any building or structure, or increase in impervious surfaces or storage areas;

4. Site modifications including grading, excavation or fill (as regulated by the Oregon Department of State Lands and the Army Corps of Engineers), installation of new above or below ground utilities, construction of roads, driveways, or paths, except as specifically exempted in the section “exemptions” below;
5. The cutting of trees and the clearing of any native vegetation within a Significant Wetland, Wetland Buffer Zone, or Riparian Corridor beyond that required to maintain landscaping on individual lots existing on the effective date of this title.

D. Exemptions:

1. Only the following uses and activities in significant riparian corridors or wetland buffer zones are exempt from these Significant Wetland and Riparian Area Standards, provided: the uses and activities are designed and constructed to minimize intrusion into the buffer zone; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained:
  - a. Replacement of lawfully created existing structures with structures in the same location that do not disturb additional wetland buffer zone or significant riparian surface area. All Coast Village structures existing on September 5, 2013 are grandfathered and qualify as “lawfully created existing structures” for purposes of this subsection. This provision supersedes the provisions for non-conforming structures in FCC 10-8.
  - b. Installation or maintenance of public and private facilities and utilities (such as transportation, water, wastewater, and stormwater, electric, gas, etc.) in riparian areas.
  - c. The sale of property.
  - d. Temporary emergency procedures necessary for the safety or protection of property.
  - e. All water-related and water-dependent uses as defined in the Definitions in the Florence Code Title 10 Chapter 2.
  - f. Removal of non-native vegetation and replacement with native plant species.
  - g. Removal of vegetation necessary for the development of water-related or water-dependent uses.
  - h. Public facilities identified in the City’s Public Facility Plan, in Appendix 11 of the Comprehensive Plan, as amended, that are installed in significant wetlands, provided that the facilities are designed and constructed to minimize intrusion into the wetland; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained.

E. Agency Review: Decisions made by the City of Florence under this title do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the land owner to ensure that any other necessary state or federal permits or clearances are obtained. In particular, state and federal mitigation requirements for impacts associated with approved water-related or water-dependent uses may still be required.

F. General Development Standards and Requirements: When development is proposed that is subject to these standards, the property owner is responsible for the following. Figure 1 below is a cross section illustrating terms used in the discussion of wetland and riparian setbacks defined in Oregon Statewide Planning Goal 5.

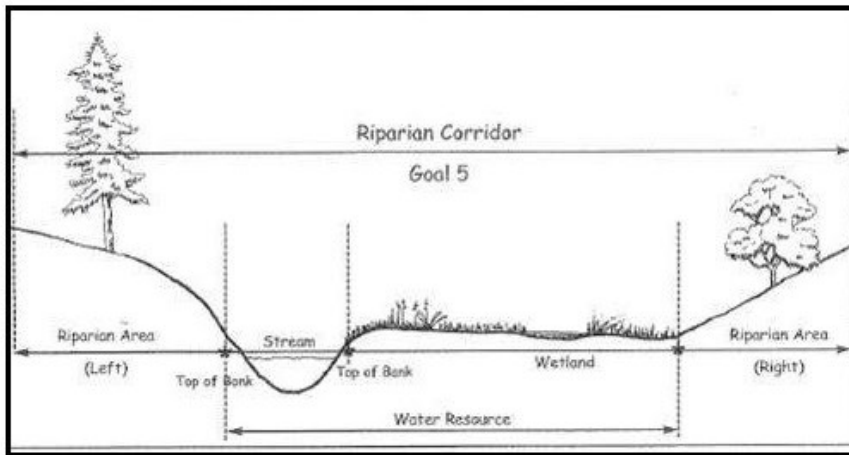


Figure 1: Downstream cross section illustrating terms used in Statewide Planning Goal 5. Source: *Urban Riparian Inventory and Assessment Guide*, Oregon Department of State Lands, 1998.

1. Determination of Significant Wetland and Riparian Area Boundaries.
  - a. For the purpose of showing the boundary of a significant wetland on a site plan, property owners may choose one of the following options:
    - i. Hire a Qualified Professional to do the delineation and have the delineation approved by the Oregon Department of State Lands (DSL); or
    - ii. Hire a Qualified Professional to do the delineation but do not request DSL approval of the delineation. The Qualified Professional must have performed prior wetland delineations that were approved by DSL; or
    - iii. If the site plan shows the proposed development is outside the 50 foot Stormwater Buffer Zone, the wetland boundaries shown on the adopted Local Wetland Inventory (LWI) Map can be used to determine the wetland boundary for this purpose.
  - b. For significant riparian corridors, the width of the corridor boundary is the “significant riparian width” in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridor Plan in Comprehensive Appendix 5.
  - c. For significant riparian corridors, the boundaries of the riparian corridor will be measured and shown on an approved site plan. The City shall maintain maps of regulated riparian areas, and make them available to the public. These maps will be used to identify the extent of the riparian area unless the applicant can demonstrate through detailed inventory information (including maps, photos, and Lane County aerial photos showing the location and species of vegetation growing in the disputed area) that the city’s maps are in error. For purposes of making these measurements, the following shall apply:
    - i. Riparian buffer zones are measured horizontally from the top of bank. The top of the bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of bank.

- ii. If the top of bank is not identifiable, the riparian buffer zones are measured horizontally from the line of ordinary high water. In a given stream, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually and identified in the field by physical characteristics that include one or more of the following:
  - a. A clear, natural line impressed on the bank
  - b. Changes in the characteristics of soils
  - c. The presence of water-borne litter and debris
  - d. Destruction of terrestrial vegetation

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data are available.

- 2. Preparation and submission of a site plan (vegetation clearing permits are also subject to the submission requirements in FCC Title 4 Chapter 6) that shows:
    - a. The wetland boundary or the top of bank of the riparian corridor,
    - b. The significant riparian corridor width or the wetland buffer zone,
    - c. The footprint of the proposed structure measured from the riparian corridor boundary or wetland buffer zone edges,
    - d. Any requested setback adjustments as measured from the edge of the wetland or riparian corridor boundary,
    - e. The type and location of dominant existing native plants that would be displaced, and
    - f. The type of native plants to be planted and the location where they will be replanted.
  - 3. It is prohibited to permanently alter a significant wetland by: the placement of structures or impervious surfaces; or by the removal of native vegetation; or by grading, excavation, placement of fill, or vegetation removal (other than perimeter mowing and other cutting necessary for hazard prevention), except as follows:
    - a. Where full protection of the Significant Wetland renders a property unbuildable, as defined in the definitions in Title 10 Chapter 2 of this Code; or
    - b. Public facilities identified in the City's Public Facility Plan, Appendix 11 of the Comprehensive Plan, as amended, may be installed in significant wetlands or riparian areas, provided that the facilities are designed and constructed to minimize intrusion into the wetland or riparian are; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained.
- G. Stormwater Quality: As provided in FCC 9-5-5-3-F and the Code Definitions in FCC 10-2, significant wetlands over ½ acre and significant streams are "sensitive areas" that shall be protected by a buffer zone of native, undisturbed vegetation. The outer boundary of the buffer shall be determined by a minimum 50-foot setback from the edge of the significant

wetland; for significant riparian areas, the buffer zone shall be the significant riparian width identified in the 2013 Inventory and 2013 City of Florence Significant Wetlands and Riparian Corridors Plan. The width and nature of protection required within the buffer may change as the Endangered Species Act and other state and federal regulations are promulgated. The City requires that the buffer width meet all state and federal requirements.

No land disturbing activities, structures, development and construction activities, gardens, lawns, application of chemicals, pet wastes, dumping of any kind of materials shall be permitted within the buffer zone, except as noted below:

1. Roads, pedestrian, or bike paths crossing the buffer from one side to the other in order to provide access to or across the sensitive area.
  2. A pedestrian or bike path constructed within a buffer and parallel to a sensitive area shall have the buffer widened by the width of the path if the path is constructed of impervious material.
  3. Pedestrian or bike paths shall not exceed 10-feet in width.
  4. Utility/service infrastructure construction (i.e., storm, sanitary sewer, water, phone, gas, cable, etc.) If approved by the City Manager or his/her designee.
  5. Measures to remove or abate hazards, nuisance, or fire and life safety violations as approved by the City.
  6. Enhancement of the riparian corridor for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.
  7. Water quality facilities planted with appropriate native vegetation may encroach into the buffer area as approved by the City and other appropriate authorities.
- H. Additional Statewide Planning Goal 5 exceptions: The following exceptions are in addition to the exceptions in G, above. Consistent with Statewide Planning Goal 5 [OAR 660-023-0090 (8) (a)], the permanent alteration of significant riparian areas by grading or the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:
1. Water-related and water-dependent uses and removal of vegetation necessary for the development of water-related or water-dependent uses;
  2. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and
  3. Removal of non-native vegetation and replacement with native plant species.
- I. Removal of native vegetation: In accordance with Goal 5, removal of vegetation from a significant riparian corridor is prohibited, except as otherwise provided in these Wetland and Riparian Standards and in FCC 4-6-3 and for the following:
1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.
  2. Removal of vegetation necessary for the development of approved water-related or water-dependent uses or for the continued maintenance of dikes, drainage ditches, or other stormwater or flood control facilities. Vegetation removal shall be kept to the minimum necessary.



3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Planning Director. If no hazard will be created, the Planning Department may require these trees, once felled, to be left in place in the Significant Wetland or Riparian Area.
4. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a federally approved herbicide technology for use in or near open water is the only type of herbicide that can be used in a Significant Riparian Corridor. Pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water shall not be used. Herbicide applications are preferred to be made early in the morning or during wind-less periods at least 4 hours before probable rainfall. Any herbicide use must follow the label restrictions, especially the cautions against use in or near open water.

J. Special Provisions for the Munsel Creek Side Channel: The following special provisions apply to properties in the significant riparian corridor of the Munsel Creek Side Channel (Reach RMC-Cs in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan). These provisions are in addition to, or provide relief from, the other standards in this subsection, and where conflicts exist, this section shall prevail.

1. In addition to the other setback adjustments and Variances allowed by this subsection, a 50% setback adjustment to the required 50-foot significant riparian width for properties along the Munsel Creek Side Channel will be permitted in order to allow new or expanded development to build up to 25 feet from the top of bank of the creek, as long as any native plants disturbed by the development are replaced elsewhere in the buffer zone, subject to the following exceptions and procedures:
  - a. Properties in Florentine Estates PUD that were granted a reduced setback by the Planning Commission prior to October 5, 2013 are deemed to comply with the standards in this subsection and do not need to apply for this setback adjustment.
  - b. The setback adjustment for other affected properties shall be granted through the Type II Review process in 10-1-1-6-2.
  - c. The applicant shall be granted the setback reduction upon demonstration that any native vegetation displaced by the development shall be replanted in the remaining buffer zone (shrub for shrub, tree for tree, etc.)
  - d. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide. Staff from the Siuslaw Watershed Council and Soil and Water Conservation District are available to provide property owners with technical assistance with native plant identification and guidance on replanting.

K. Setback Adjustments: The following reductions in setbacks shall be allowed for properties affected by the significant wetland and riparian area standards as set out below:

1. Eligibility for setback adjustment. Property owners affected by these significant wetland and riparian corridor standards shall be eligible for setback adjustments as follows:
  - a. Single family dwellings: when the significant wetland or significant riparian corridor standard or requirement is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet.

- b. For the Munsel Creek side channel: the “required setback” for the purpose of eligibility for the setback adjustment is the reduced setback allowed in subsection “J” above.
  - 2. If the required setback or standard for the significant wetland or riparian corridor is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet, then a primary dwelling, this size or less, shall be permitted to intrude into the setback area in accordance with the standards of this subsection. Any Code requirements of the applicable zoning district (such as required garages) that would necessitate intrusion into additional riparian area shall not apply.
  - 3. If the proposed primary dwelling will be more than 20 feet from a significant wetland or stream, the adjustment application shall use the Type II Review process in FCC 10-1-1-6-2.
  - 4. If a proposed primary dwelling will be built within 20 feet of a significant wetland or stream, a Hardship Variance from the Planning Commission shall be required in accordance with Florence City Code Title 10 Chapter 5.
- L. Hardship Variances: A variance to the provisions of this subsection shall be granted by the Planning Commission in accordance with the procedures in Florence City Code Title 10 Chapter 5 only as a last resort and is only considered necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this title.
  - 1. Eligibility. An application for a hardship variance from the provisions of this subsection shall be available upon demonstration of the following conditions:
    - a. Siting of a primary dwelling 50 feet by 27 feet or less requires intrusion into the significant wetland buffer zone or significant riparian corridor within 20 feet of a significant wetland or stream; or
    - b. Strict adherence to the applicable standards or requirements of this subsection would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.
    - c. Due to unique circumstances and historic development patterns outside the control of the property owners, the Variance fee for this application shall be waived for affected Coast Village properties.
  - 2. The following additional standards shall apply:
    - a. Demonstration that the intrusion into the setback must be the minimum necessary;
    - b. Demonstration that any native vegetation displaced by the development will be replanted in the remaining significant wetland buffer zone or riparian corridor. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide; staff from the Siuslaw Watershed Council and Soil and Water Conservation Service are also available to provide property owners with technical assistance with native plant identification and guidance on replanting.

- c. Permanent alteration of the Significant Wetland or Riparian Area by an action requiring a variance is subject any mitigation requirements imposed by federal and state permitting authorities.
- d. In granting a Variance, the Planning Commission shall impose conditions of approval that address all of the following criteria:
  - i. The site plan and application shall document the location of the impact, the existing conditions of the resource prior to the impact, and detailed planting plan for the approved setback area with dominant native plant species and density, and a narrative describing how the impacted resource will be replaced and approved setback area restored.
  - ii. Invasive vegetation shall be removed from, and native vegetation planted in, the approved setback area, with a minimum replacement ratio of 1:1 for the impacted area.
  - iii. Herbicides and pesticides not approved for use in buffer zones or riparian areas is prohibited in the approved setback area.
  - iv. All vegetation planted within the approved setback area shall be native to the region. In general, species to be planted shall replace those impacted by the development activity, i.e. trees must replace trees, brush must replace brush, and, within reason, like plants must replace like plants (i.e., dominant plant species).
  - v. Trees shall be planted at a density not less than the density in place prior to development.
  - vi. The property owners will work with available federal, state, and local agencies, such as the Siuslaw Watershed Council, the Siuslaw Soil and Water Conservation District, Oregon Department of Fish and Wildlife (ODFW), Department of State Lands (DSL), Salmon Trout Enhancement Program (STEP) to implement practices and programs to restore and protect the riparian area.

M. Significant wetland and riparian corridor enhancement incentives:

- 1. Enhancement of Significant Wetland Buffer Zones or Riparian Corridors is encouraged, including: riparian or in-channel habitat improvements, non-native plant control, and similar projects which propose to improve or maintain the quality of a Significant Wetland or Riparian Area; however, no enhancement activity requiring the excavation or filling of material in a wetland or jurisdictional stream shall be allowed unless all applicable State and Federal permits have been granted.
- 2. Incentives shall be provided to improve the continuity of Significant Riparian Corridors in situations where lots would be rendered unbuildable by the setback, as defined in the Definitions in FCC Title 10 Chapter 2. Such incentives may include: reducing the required front yard setback, alternative access, vacating right-of-way, property line adjustments, re-orientation of lots, transfer of development rights (if feasible), and density bonuses, among others. The resulting development will conform, to the maximum extent practical, to the general development patterns in the vicinity of the affected lot.
- 3. These incentives may also be provided to properties that are severely impacted by the setback when doing so will result in enhancement of the significant wetland, wetland buffer zone, or significant riparian corridor.

- N. Inventory Map Corrections: The Planning Director may correct the location of a wetland or riparian boundary shown on the Local Wetland and Riparian Areas Inventory Maps when it has been demonstrated by a property owner or applicant that a mapping error has occurred and the error has been verified by DSL. Wetland delineations verified by DSL shall be used to automatically update and replace the City's Local Wetland Inventory mapping. No variance application shall be required for map corrections where approved delineations are provided.

#### **10-7-5: DEVELOPMENT STANDARDS FOR TSUNAMI HAZARD OVERLAY AREAS**

- A. Purpose. The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source (Cascadia Subduction Zone) tsunami by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section are intended to limit, direct and encourage the development of land uses within areas subject to tsunami hazards in a manner that will:

1. Reduce loss of life;
2. Reduce damage to private and public property;
3. Reduce social, emotional, and economic disruptions; and
4. Increase the ability of the community to respond and recover.

Significant public and private investment has been made in development in areas which are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct and encourage new development and redevelopment such that, over time, the community's exposure to tsunami risk will be reduced.

- B. Definitions. Terms used in this subsection are defined within FCC 10-2-13.

- C. Applicability of Tsunami Hazard Overlay Zone. All lands identified as subject to inundation from the Extra Extra Large (XXL) magnitude local source tsunami event as set forth on the applicable Tsunami Inundation Map(s) (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) are subject to the requirements of this section.

- D. Uses. In the Tsunami Hazard Overlay Zone, except for the prohibited uses set forth in FCC 10-7-5-E, all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.

- E. Prohibited Uses. Unless authorized in accordance with FCC 10-7-5-G, the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:

1. In areas identified as subject to inundation from the Extra Extra Large (XXL) magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
  - a. Hospitals and other medical facilities having surgery and emergency treatment areas.
  - b. Fire and police stations.
  - c. Structures and equipment in government communication centers and other facilities required for emergency response.
  - d. Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers.
  - e. Buildings for colleges or adult education schools with a capacity of greater than 500 persons.

f. Jails and detention facilities.

2. In areas identified as subject to inundation from the Medium (M) magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:

a. Tanks or other structures containing, housing or supporting water or fire- suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures.

b. Emergency vehicle shelters and garages.

c. Structures and equipment in emergency preparedness centers.

d. Standby power generating equipment for essential facilities.

e. Covered structures whose primary occupancy is public assembly with a capacity of greater than 300 persons.

f. Medical facilities with 50 or more resident, incapacitated patients.

g. Residential uses, including manufactured home parks, of a density exceeding 10 units per acre.

h. Hotels or motels with more than 50 units.

3. Notwithstanding the provisions of FCC 10-8, the requirements of this subsection shall not have the effect of rendering any lawfully established use or structure nonconforming.

F. Use Exceptions. A use listed in FCC 10-7-5-E may be permitted upon authorization of a Use Exception in accordance with the following requirements:

1. Public schools may be permitted upon findings that there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.

2. Fire or police stations may be permitted upon findings that there is a need for a strategic location.

3. Other uses prohibited by FCC 10-7-5-E may be permitted upon the following findings:

a. There are no reasonable, lower-risk alternative sites available for the proposed use;

b. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and,

c. The buildings will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake and tsunami event.

4. Applications, review, decisions, and appeals for Use Exceptions authorized by this subsection shall be in accordance with the requirements for a Type III procedure as set forth in FCC 10-1-1-6-3.

G. Evacuation Route Improvement Requirements. Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Evacuation Route Plan. Such measures shall include:

1. On-site improvements:

- a. Improvements necessary to ensure adequate pedestrian access from the development site to evacuation routes designated in the Evacuation Route Plan in all weather and lighting conditions.
  - b. Frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Evacuation Route Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.
  - c. Where identified in the Evacuation Route Plan as the only practicable means of evacuation, tsunami evacuation structure(s) of sufficient capacity to accommodate the evacuation needs of the proposed development.
2. Off-site improvements: Improvements to portions of designated evacuation routes that are needed to serve, but are not contiguous to, the proposed development site, where such improvements are identified in the Evacuation Route Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.
  3. Evacuation route signage consistent with the standards set forth in the Evacuation Route Plan. Such signage shall be adequate to provide necessary evacuation information consistent with the proposed use of the site.
  4. Evacuation route improvements and measures required by this subsection shall include, at a minimum, the following:
    - a. Improved streets and/or all-weather surface paths of sufficient width and grade to ensure pedestrian access to designated evacuation routes in all lighting conditions;
    - b. Improved streets and paths shall provide and maintain horizontal clearances sufficient to prevent the obstruction of such paths from downed trees and structure failures likely to occur during a Cascadia earthquake; and
    - c. Such other improvements and measures identified in the Evacuation Route Plan.
  5. When it is determined that improvements required by this subsection cannot be practicably accomplished at the time of development approval, payment in lieu of identified improvements shall be provided in accordance with.

#### H. Tsunami Evacuation Structures

1. All tsunami evacuation structures shall be of sufficient height to place evacuees above the level of inundation for the XXL local source tsunami event.
2. Tsunami evacuation structures are not subject to the building height limitations of this chapter.

#### I. Flexible Development Option

1. The purpose of the Flexible Development Option is to provide incentives for, and to encourage and promote, site planning and development within the Tsunami Hazard Overlay Zone that results in lower risk exposure to tsunami hazard than would otherwise be achieved through the conventional application of the requirements of this chapter. The Flexible Development Option is intended to:
  - a. Allow for and encourage development designs that incorporate enhanced evacuation measures, appropriate building siting and design, and other features that reduce the risks to life and property from tsunami hazard; and
  - b. Permit greater flexibility in the siting of buildings and other physical improvements and in the creation of new lots and parcels in order to allow the full realization of permitted development while reducing risks to life and property from tsunami hazard.

2. The Flexible Development Option may be applied to the development of any lot, parcel, or tract of land that is wholly or partially within the Tsunami Hazard Overlay Zone.
3. The Flexible Development Option may include any uses permitted outright or conditionally in any zone, except for those uses prohibited pursuant to FCC 10-7-5-D.
4. Overall residential density shall be as set forth in the underlying zone or zones. Density shall be computed based on total gross land area of the subject property, excluding street right-of-way.
5. Yards, setbacks, lot area, lot width and depth, lot coverage, building height and similar dimensional requirements may be reduced, adjusted or otherwise modified as necessary to achieve the design objectives of the development and fulfill the purposes of this section.
6. Applications, review, decisions, and appeals for the Flexible Development Option shall be in accordance with the requirements for a Type III procedure as set forth in FCC 10-1-1-6-3.
7. Approval of an application for a Flexible Development Option shall be based on findings that the following criteria are satisfied:
  - a. The applicable requirements of sub-paragraphs 2 and 4 of this subsection are met; and
  - b. The development will provide tsunami hazard mitigation and/or other risk reduction measures at a level greater than would otherwise be provided under conventional land development procedures. Such measures may include, but are not limited to:
    - i. Providing evacuation measures, improvements, way finding techniques and signage at a level greater than required by subsection F of this section;
    - ii. Providing tsunami evacuation structure(s) which are accessible to and provide capacity for evacuees from off-site;
    - iii. Incorporating building designs or techniques which exceed minimum structural specialty code requirements in a manner that increases the capacity of structures to withstand the forces of a local source tsunami; and
    - iv. Concentrating or clustering development in lower risk portions or areas of the subject property, and limiting or avoiding development in higher risk areas.

**10-7-6: SITE INVESTIGATION REPORTS (SIR):**

- A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's *Beaches and Dunes Handbook for the Oregon Coast* (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:
  1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or
  - 1-2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code. (Ord. 669, 5-17-82)

B. Permit Fee: A fee to offset the cost of time required to investigate and prepare Findings may be set by Council Resolution.

C. General Requirements for Phase II Site Investigation Reports shall include at least the following information. Additional information, commensurate with the level of hazard and site conditions shall be submitted.

1. Identification of potential hazards to life, proposed development, adjacent property, and the natural environment which may be caused by the proposed development.
2. Mitigation methods for protecting the subject property and surrounding areas from each potential hazard.
3. Acceptable development density.
4. Identification of soils and bedrock types.
5. Identification of soil depth.
6. Water drainage patterns.
7. Identification of visible landslide activity in the immediate area.
8. History of mud and debris flow.
9. In areas prone to landslide, mudflow and where slopes exceed 25%, reports shall identify the orientation of bedding planes in relation to the dip of the surface slope.
10. Recommendations for removal, retention, and placement of trees and vegetation.
11. Recommendations for placement of all structures, on site drives, and roads.
12. Recommendations for protecting the surrounding area from any adverse effects of the development. (Amended by Ord. No. 10, Series 2009)

D. Specific Standards for Phase II Site Investigation Reports will be determined on the basis of the information provided in the Phase I Site Investigation Report. At a minimum, specific standards shall address the following (may include more than one category listed below):

1. The SIR Phase II - Geologic Report shall follow the "Guidelines for Preparing Engineering Geologic Reports in Oregon" as adopted by the Oregon State Board of Geologist Examiners or shall meet the requirements for Site Investigation Reports as required by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The SIR Phase II – Geologic Report shall address the following:
  - a. An explanation of the site and scope of the study area (e.g. subdivision, by lot specific, or for public improvements)
  - b. An explanation of the degree the condition affects the property use in question;
  - a-c. An explanation of the measures to be employed to minimize detrimental impacts associated with the condition;



- d. An explanation of the condition-associated consequences the development and the loss-minimizing measures will have on the surrounding properties.
- 2. SIR Phase II dealing with Beach or Dune areas shall include the items as listed in the OCZMA Handbook, Implementation Techniques, Section III that begins on page 7.
  - a. Due to the sandy soils and the fragile nature of the vegetative covering, care shall be taken during any proposed construction in beaches and dune areas to minimize the amount of grading, excavation, removal of trees and other native vegetation in order to insure the stability of the soils.
  - b. All open sand area (pre-existing or newly created) shall be planted or stabilized as soon as practicable after construction is completed.
  - c. Using accepted re-vegetation techniques, sand areas shall be returned to their previous level of stability or to at least a conditionally stable level, following completion of construction. For large parcels or tracts, stabilization of the entire area may not be necessary as determined after consideration of a Site Investigation Report.
  - d. During extended construction periods, temporary sand stabilization measures shall be employed to minimize sand movement and erosion caused by the removal of groundcover and soil.
- 3. Slopes in the 12% to 25% range: Determine the presence of soil creep, fills, or signs of past instability. If hazards are present, engineering recommendations shall be provided. If conditions require recommendations for foundation construction outside of the Building Code (IBC), those recommendations shall be provided by an appropriately qualified professional engineer. If thorough examination of the site determines that no hazards are present, documentation by an appropriately qualified professional.
- 4. Slopes greater than 25%:
  - a. Subsurface exploration of areas above, below, and alongside known or suspected slides
  - b. Accurate identification and measurement of the limits of the slide mass
  - c. Identification of the stability of the slide mass and the mechanics of slide movement.
  - d. Identification of the orientation of bedding planes in relation to the dip of the surface slope
  - e. A site specific grading and erosion control plan for site stabilization and construction
  - f. The methodology for determining the site stabilization plan
  - g. Recommendation of suitable setbacks, keeping in mind the anticipated life of the structure or development.
- 5. Foredunes:
  - a. Identification of a surveyed mean high tide line
  - b. Determination of the ocean shore vegetation line

- c. Average annual rate that the shoreline is projected to migrate landward due to climate change (sea level rise, feet/year and increased storm intensity) and methodology used.
  - d. Historic stability of beaches in the general area
  - e. Life expectance of the structure
  - f. Elevation of the structure
  - g. Projected dune stabilization to protect site from wave action and methodology
  - h. History and projection of ocean flooding and methodology
6. Properties along the Siuslaw River Estuary:
- a. Angle of repose for bluff material
  - b. Mean high tide, and highest measured tide
  - c. Extent of recent and historical cutbank, length of area and height of cut
  - d. Area of wave overtopping and furnishing photographs or other evidence
  - e. Current and historic stability of riverbank and rates of erosion in general area
  - f. Projected rate of erosion and methodology
  - g. Environmental resources present
  - h. Impacts to be expected
  - i. Description and photographs of current vegetation
7. Riprap or other Shoreland protective structures:
- a. Signed certification by the engineer or geologist that the protective structure shall withstand the life of the development that it is protecting; or with the property maintenance plan, the structure shall withstand the life of the development.
  - b. Once the protective structure is competed the engineer or geologist shall provide a final summary that the protective structure was built according to the submitted plan.
8. Soils: The Site Investigation Report shall address the following development constraints for the soil types.
- a. Brallier - These are wetlands which should not be developed due to their resource value and severe development constraints.
  - ~~e.~~b. Dune Land - Development limitations on sand dunes can be slight to severe, depending on slope and whether adequate stabilization is done. These areas are superior to some of the other soil types in that there is no drainage problem. These areas are also known to include active sand dunes. Dune stabilization techniques should be addressed.

- c. Heceta - These are interdunal swales and deflation plains. The high water table and poor drainage make these soils generally unsuitable for development.
- d. Waldport - These are sand dunes which are covered with stabilization vegetation. Conditions are moderate to severe, depending on slope. The particular need here is to preserve existing vegetation and to stabilize soil which is disturbed.

Drainage is typically not a problem in areas with the following soil types. Areas with slopes greater than 12% should not be built on unless a site investigation determines the site to be buildable.

- a. Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.
- b. Netarts - These are old stabilized dunes. Soils are well-drained. The topography is undulating to hilly. Where slopes are less than 12% there are few development restrictions.
- c. Bohannon; Preacher/Bohannon/Slickrock - These areas have no restrictions except slope and suitability for forestland. They occur east of Munsel Lake Road in areas which are largely unbuildable due to slope. (Amended by Ord. No. 10, Series 2009)

#### **10-7-67: REVIEW AND USE OF SITE INVESTIGATION REPORTS**

- A. The Phase I Site Investigation Report shall be reviewed administratively through a Type II Review. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Conditional Use Permit shall be required.

If a Phase II Site Investigation Report is required, the Phase II conclusions shall be submitted for Planning Commission review.

- B. Required Certifications and Inspections:

For any Phase II SIR submitted, the registered professional of record shall be required to:

1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.
  2. Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans.
  3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.
- C. Conditions of approval may be imposed and/or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects such as erosion, sand encroachment, destruction of desirable vegetation including inadvertent destruction by moisture loss or root damage, spread of noxious weeds, damage to archaeological resources, are mitigated or eliminated.
  - D. Approval: The property owner shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and shall state, "The applicant recognizes

and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project.”

E. Appeal: In the case of an appeal, the City shall hire a certified engineering geologist or other appropriate certified professional to review the Phase II Site Investigation Report. All costs incurred by the city to review the development shall be the responsibility of the applicant. (Ord. No. 10, Series 2009)

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Amended by Ordinance No. 15, Series 1988

Section 10-7-3-D corrected from the reference to C-2 to 10-7-3-B. (12/11/07) Section 10-7-3-E and H amended by Ord. No. 24, Series 2008

Amended by Ord. No. 10, Series 2009

Section 10-7-1 amended by Ord. No. 3, Series 2013, Exhibit B (effective 7-31-13)

Section 10-7-4 added with Ordinance No. 2, Series 2013 (effective 10-5-13) and all subsequent sections renumbered

Sections 10-7-3, 10-7-4, and 10-7-6 amended by Ord. No. 11, Series 2016 (effective 11/16/16)

Sections 10-7-5 amended and Sections 10-7-1, 10-7-2, 10-7-3, 10-7-4, 10-7-5, 10-7-6, and 10-7-7 modified by Ord. No. XX, Series 201X (effective XX/XX/XX)