

Lane Code
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**COMMERCIAL AIRPORT SAFETY COMBINING ZONE (/CAS-RCP)
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16.245 Commercial Airport Safety Combining Zone (/CAS-RCP).

(1) Purpose. The Commercial Airport Safety Combining Zone (/CAS-RCP) is applied to those lands adjacent to and within the Mahlon Sweet Field Airport. The /CAS-RCP Zone is intended to carry out the following purposes:

(a) Prevent the creation or establishment of obstructions that are a hazard to air navigation and flight.

(b) Prevent the creation or establishment of other hazards to air navigation and flight such as distracting light and glare producing surfaces, radio interference, smoke, steam and dust, areas which attract birds and hazards of a similar nature.

(2) Applicability. The /CAS-RCP Zone is applied to those lands encompassed by the surfaces set forth and described in LC 16.245(4) below and diagramed in LC 16.245(6) below.

(3) Use Limitations. In the /CAS-RCP Zone, the following limitations and standards shall apply to all uses permitted, allowed conditionally or allowed as special uses by the primary zone with which the /CAS RCP Zone is combined:

(a) The height of structures or objects shall not exceed the maximum height of the primary zone with which the /CAS-RCP Zone is combined. Furthermore, no structure or object shall be erected, altered, allowed to grow or be maintained in such a manner as to penetrate the height limitations of the various areas described in LC 16.245(4) below.

(b) No use may be made of land or water in such a manner as to create electrical interference with navigational signals or radio for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way endangering the landing, take off or maneuvering of aircraft intending to use the airport.

(4) Surfaces Described.

(a) Primary Surfaces.

(i) The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of prepared runway surfaces. The width of the Primary Surface for each runway is the same as the width of the inner portion of the Approach Surface for that runway.

(ii) For purpose of this section, the center-points at the ends of each runway Primary Surface shall be considered as having the following coordinates and elevations:

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

(iii) The elevation at any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline. For purposes of this

section, the runway centerline shall be considered as having a straightline grade between the two centerpoints for that runway as described in LC 16.245(4)(ii) above.

(b) Runway 16R-34L Approach Surface. This runway is a precision instrument runway aligned in a north-south direction and is designated as a primary runway. The inner edges of the Approach Surfaces coincide with the width of the Primary Surface at the ends of Runway 16R-34L and are 1,000 feet wide. Each Approach Surface extends outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the Primary Surface, its centerline being a continuation of the runway centerline. The Approach Surface for 16R and 34L extends outward and upward at a slope of 50 horizontal feet to one vertical foot beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 horizontal feet to one vertical foot to an additional distance of 40,000 feet along the extended runway centerline.

(c) Runway 16L-34R. This runway is a precision instrument runway aligned in a north-south direction and will be designated as a secondary runway. The inner edges of the Approach Surfaces coincide with the width of the Primary Surface of the ends of Runway 16L-34R and are 1,000 feet wide. Each Approach Surface extends outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the Primary Surface, its centerline being the continuation of the runway centerline. The Approach Surface for 16L extends outward and upward at a slope of 20 horizontal feet to one vertical foot beginning at the end of and at the same elevation as the Primary Surface, to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 horizontal feet to one vertical foot for an additional 40,000 feet along the extended runway centerline. The Approach Surface for 34R extends outward and upward at a slope of 34 horizontal feet to one vertical foot, beginning at the end of and at the same elevation as the Primary Surface to a horizontal distance of 50,000 feet along with extended runway centerline.

(d) Transitional Surfaces. These surfaces are adjacent to the Primary Surfaces and the Approach Surfaces. The surfaces slope upward and outward seven horizontal feet to one vertical foot, beginning at the side of and at the same elevation as the Primary Surfaces and the Approach Surfaces, and extend to where they intercept the Horizontal Surface at a height of 150 feet above the airport elevation. Where the Runway 16R-34L and 16L-34R Approach Surfaces pass through the Conical Surface, there are Transitional Surfaces sloping outward and upward seven horizontal feet to one vertical foot, beginning at the sides of and at the same elevation Approach Surface, and extending to where they intersect the Conical Surface. Where the Runway 16R-34L and 16L-34R Approach Surfaces extend beyond the Conical Surface, there are Transitional Surfaces sloping outward and upward seven horizontal feet to one vertical foot, beginning at the sides of and at the same elevation as the Approach Surface, and extending to a horizontal distance of 5,000 feet measured horizontally from the edge of the Approach Surface and at right angles to the runway centerline.

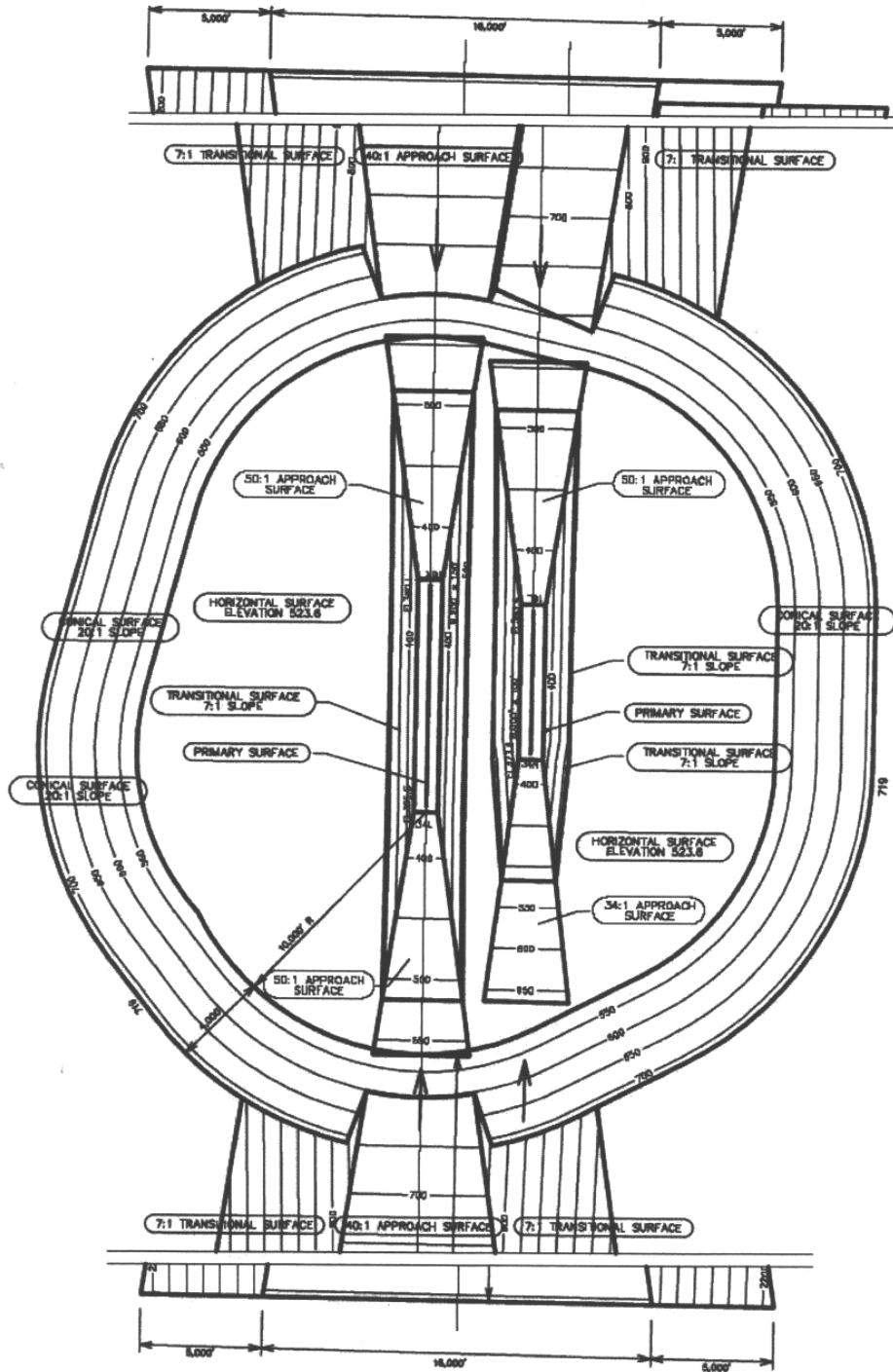
(e) Horizontal Surface. The Horizontal Surface is described by swinging arcs of 10,000 feet radii from the center of each end of the Primary Surfaces of Runway 16R-34L and Runway 16L-34R, and connecting the arcs with tangent lines. The Horizontal Surface is a horizontal plane 150 feet above the elevation of the airport and for purposes of this section shall be considered as having an elevation of 515 feet above mean sea level. The Horizontal Surface does not include the Approach and Transitional Surfaces.

(f) Conical Surface. The Conical Surface begins at the outer periphery of the Horizontal Surface and slopes outward and upward 20 horizontal feet to one

vertical foot, starting at the elevation of the Horizontal Surface and extends outward a horizontal distance of 4,000 feet.

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

(6) Surfaces Diagramed. The surfaces described in LC 16.245(4) above are as illustrated in the diagram below: *(Revised by Ordinance 7-87; Effective 6.17.87; 10-06, 1.5.07; 7-12, 12.28.12)*



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

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

(1) Purpose. The Airport Safety Combining Zone (/AS-RCP) is applied to those lands adjacent to the Creswell Airport (Hobby Field), the Cottage Grove Airport, the Oakridge Airport, the McKenzie Airport and the Florence Airport. The /AS-RCP Zone is intended to safeguard land uses adjacent to these airports from noise and hazards associated with aircraft operations and to protect existing use and potential expansion of the airport itself from incompatible development. Specifically, the /AS-RCP Zone is intended to carry out the following purposes:

(a) Prevent the creation or establishment of obstructions that are a hazard to air navigation and flight.

(b) Prevent the creation or establishment of other hazards to air navigation and flight such as distracting light and glare producing surfaces, radio interference, smoke, steam and dust, areas which attract birds and hazards of a similar nature.

(c) Restrict new development of land uses not normally compatible with noise and safety hazards associated with airport operations.

(2) Applicability. The /AS-RCP Zone is applied to those lands adjacent to the Creswell Airport, the Cottage Grove Airport, the McKenzie Airport, the Oakridge Airport and Florence Airport which are encompassed by the surfaces set forth and described in LC 16.246(5) below and diagramed in LC 16.246(9) below. For purposes of this Chapter, the elevations of the five runways are established as follows:

(a) Cottage Grove - 641 feet above sea level.

(b) Creswell - 535 feet above sea level.

(c) Florence - 12 feet above sea level.

(d) Oakridge - 1419 feet above sea level.

(e) McKenzie - 1620 feet above sea level.

(3) Use Limitations. In a/AS-RCP Zone, the following limitations and standards shall apply to all uses permitted, allowed conditionally or allowed as special uses by the primary zone with which the /AS-RCP Zone is combined.

(a) The height of structures or objects shall not exceed the maximum height of the primary zone with which the /AS-RCP Zone is combined. Furthermore, no structure or object shall be erected, altered, allowed to grow or be maintained in such a manner as to penetrate the surfaces described in LC 16.246(5) below. Areas located in more than one of the described surfaces shall be subject to the most restrictive (i.e., lowest) surface.

(b) All structures and uses within the /AS-RCP Zone shall conform to the requirements of Federal Aviation Regulations, Part 77 or successor. No use may be made of land or water in such a manner as to create electrical interference with navigation signals or radio communication between the airport and aircraft, making it difficult for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way endangering the landing, take off or maneuvering of aircraft intending to use the airport.

(c) All structures and uses within this combining district shall conform to the requirements of Federal Aviation Regulations, Part 77 or successor, and to other Federal and State laws as supplemented by Lane County ordinances, particularly Lane County Ordinance No. 105, or successor, regulating structure height, lights, glare

producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

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

(5) Surface Described.

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

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

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

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

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

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

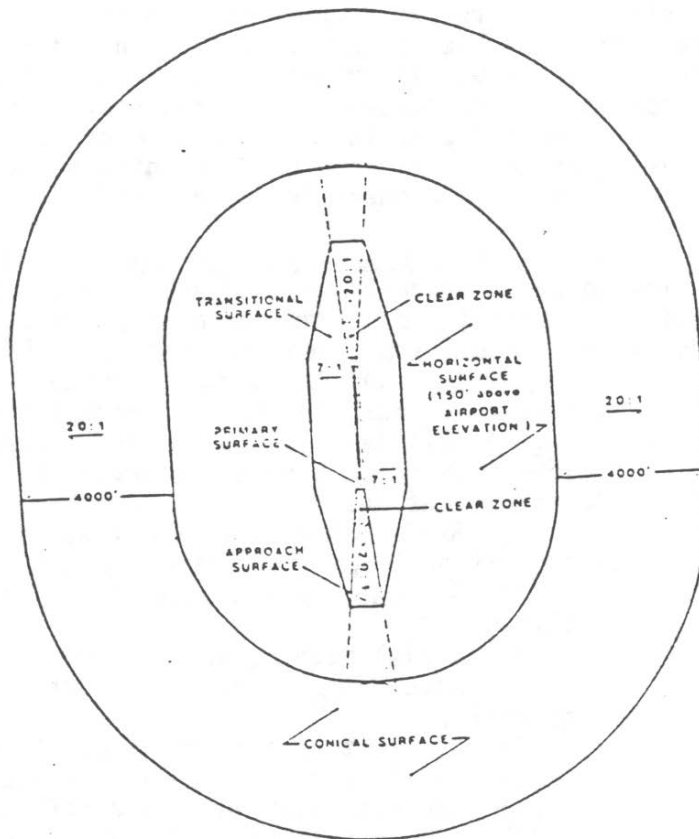
(6) Marking and Lighting. The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the airport operator to indicate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

(7) Special Requirements for Construction Permits. Within the area beneath the Approach Surface, no construction permit shall be issued for any building, mobile

home or other structure designed and intended for human occupancy until the property owner has agreed to waive action against the County and the airport for noise, property damage or personal injuries resulting from activities connected with the airport. Such waiver shall apply only when such activities are conducted in conformance with rules and regulations of the airport and applicable Federal and State air regulations and no negligence on the part of the County or the airport is involved. The waiver shall be in a form prescribed by the Planning Director and shall be binding on the grantees, their heirs, assigns and successors in title.

(8) Area. Established by underlying, parent zone.

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



16.247 Airport Operations Zone (AO-RCP).

(1) Purpose. The Airport Operations Zone (AO-RCP) is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. In addition, the AO-RCP Zone is intended to provide areas for certain open space uses for airfield grounds maintenance and as a buffer to minimize potential dangers from, and conflicts with, the use of aircraft.

(2) Permitted Buildings and Uses. In the AO-RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this Chapter:

(a) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes as defined by the Federal Aviation Administration, including uses and buildings which are necessary for airport operation, such as aircraft hangars, fuel storage facilities, control tower, passenger and air freight terminals, aircraft runways, taxi-ways and tie-down areas, etc.

(b) Retail sales and commercial services for air passengers or flight connected activities.

(c) Air cargo warehousing and distribution facilities.

(d) Aerial mapping and surveying.

(e) Aircraft or aircraft component manufacturing or assembly.

(f) Aircraft related research and testing.

(g) Aircraft sales, repair, service and storage.

(h) Schools relating to aircraft operations.

(i) Public parking and/or auto storage.

(j) Aircraft or air transportation business or professional uses.

(k) Aviation clubs.

(l) Auto rental agencies.

(m) Hotels and motels.

(n) Restaurants.

(o) Taxi, bus and truck terminals.

(p) Environmental monitoring and enforcement agencies.

(q) General farming, including the growing of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed and similar food and fiber products.

(r) Pastures and grazing.

(s) Forest or open land preserves.

(t) Game and fish preserves.

(u) Accessory buildings normally required in connection with a use as specified in this subsection.

(v) Public and semipublic buildings, structures and uses essential to the physical and economic welfare of an area.

(3) Uses Subject to Hearings Official Approval. Airport related uses not specified in LC 16.247(2) above are special uses, subject to submittal of an application pursuant to LC 14.050 and approval of the application by the Hearings Official pursuant to LC 14.300. An airport related use is defined as an activity or use of the land whose immediate presence on or proximity to an airport is necessary to proper airport function, to meet the needs of the use when a significant portion of its business or activity is derived from the airport, or when special transportation cost or time factors make operation from less immediate sites prohibitively expensive.

(4) Special Use Approval Criteria. Uses allowed in LC 16.247(3) above must comply with the following criteria:

(a) Conformity with the Rural Comprehensive Plan for Lane County.

(b) The location, size, design and operating characteristics of the proposed use:

(i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the

harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(5) Conformance Requirement. All structures and uses within the AO-RCP Zone shall conform to the requirements of Federal Aviation Agency Regulation FAR-77 or successor, and to other Federal and State laws as supplemented by Lane County ordinances, particularly Lane County Ordinance No. 105 or successor, regulating structure height, lights, glare producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

(6) Setback Requirements.

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

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

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

(8) Area.

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

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

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

Horses	One per acre, plus one additional for every 15,000 square feet.
Cows	One per acre, plus one additional for every 10,000 square feet.
Goats or sheep	Five per acre, plus one additional for every 2,000 square feet.

The area of a property may be utilized one time only for the computation of the above allowable animal usage. *(Revised by Ordinance 7-87, Effective 6.17.87; 10-04, 6.4.04; 20-05, 6.16.20)*

RESOURCE CAPABILITY DETERMINATION RURAL COMPREHENSIVE PLAN

16.248 Resource Capability Determination.

(1) Purpose. Special uses in the Natural Estuary (NE-RCP), Conservation Estuary (CE-RCP) and Development Estuary (DE-RCP) Zones are allowed only if determined to meet the resource capability and purpose of the management unit in which the use or activity occurs. The purpose of this section is to establish a procedure for

making a Resource Capability Determination. Major activities or uses in the estuary may require an Estuarine Impact Assessment; those uses do not also require this Resource Capability Determination.

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

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

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

(b) Information on impacts to be expected if the proposed use or activity is carried out. This is not intended to be a full Impact Assessment as specified in LC 16.249, but presentation of the major effects on water circulation and flushing patterns, water quality significant adverse impacts which may occur and impacts on the aquatic and shoreland life forms. Where appropriate to the proposed action, impacts on recreational and aesthetic use, navigation and other existing and potential uses of the estuary shall be identified as well.

(c) Mitigation of Impacts. Where measurable adverse or negative impacts on the resource factors defined in LC 16.248(3)(b) above have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts.

(4) Resource Capability Determination. Information on resources present and impacts to be expected will be evaluated as part of the special use permit procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination and will be used whenever possible to reduce duplication of effort between agencies.

(5) Resource Capability Findings. Based on analysis of resources and impacts, one of the following findings shall be concluded in approving or disapproving the use permit:

(a) The proposed use or activity does not represent a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource. It is consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zone.

(b) The proposed use or activity presents a potential significant impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource, but reasonable alternative or mitigating measures are proposed which will eliminate, or minimize to an acceptable level, adverse environmental impact or the mitigation requirement of ORS 541.626 have been met. It is consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zone.

(c) The proposed use or activity will result in unacceptable loss, considering the purpose of the management unit in which the use is proposed. The use or activity represents irreversible changes and actions and unacceptable significant adverse

impact or reduction of significant estuarine fish and wildlife habitat or essential properties of the estuary will result; or that the adverse consequences of the proposed use or activity would be likely to result in irreversible trends or changes in estuarine resource properties and functions. It is not consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zone.

(6) Notification of Agencies.

(a) Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:

- (i) U. S. Fish and Wildlife Service.
- (ii) U. S. Environmental Protection Agency.
- (iii) Oregon State Department of Fish and Wildlife.
- (iv) Oregon State Department of Land Conservation and

Development.

- (v) Oregon State Division of State Lands.
- (vi) National Marine Fishery Service.
- (vii) Army Corps of Engineers.

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

ESTUARINE IMPACT ASSESSMENT RURAL COMPREHENSIVE PLAN

16.249 Estuarine Impact Assessment.

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

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

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

(a) Aquatic life forms and habitat, including information on habitat type and use (e.g., rearing, spawning, feeding/resting, mitigation), species present, seasonal abundance, sediment type and characteristics and vegetation present. The type of alteration, including information detailing the extent of alteration (e.g., area measurement, depths to which alteration will extend, volumes of materials removed and/or placed as fill), impacted species (including threatened and endangered species),

life states and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subject to alteration.

(b) Shoreland life forms and habitat, including information on habitat type and use (e.g., feeding, resting or watering areas, flyways), species present, seasonal abundance, soil types and characteristics and vegetation present. Impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.

(c) Water quality, including information on increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.

(d) Hydraulic characteristics, including information on changes in water circulation patterns, shoaling patterns, potential of erosion in or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction, diversion or impoundment of water resources.

(e) Air quality, including information on quantities of emissions of particulates, expected inorganic and organic airborne pollutants.

(f) Impact of the proposed project on navigation and public access to the shoreline and aquatic areas.

(g) Demonstration of public need to warrant such a modification to the estuary.

(h) Demonstration that non-water dependent uses will not preempt existing or future water dependent use of the area.

(i) Determination of the potential cumulative impact of the proposed development, including alteration of adjacent significant fish and wildlife habitat and essential properties of the estuary.

(j) Presentation of upland alternatives and methods to minimize preventable adverse impacts.

(k) Determination of need for mitigation.

(3) Impact Assessment Findings. Based on results of Impact Assessment analysis and the approval criteria contained in the applicable zone, one of the following findings shall be concluded in approving or disapproving the use permit:

(a) The proposed development does not represent a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource.

(b) The proposed development presents a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource, but no reasonable alternatives exist and mitigating measures are proposed which will eliminate or minimize to an acceptable level, adverse environmental impacts. If mitigation is required under ORS 541.626, a mitigation plan shall have been approved by the Division of State Lands before this finding can be made.

(c) The proposed development will result in unacceptable loss. The proposed use or activity represents irreversible changes and actions. Unacceptable significant adverse impact or reduction of significant fish and wildlife habitat or reduction of essential properties of the estuary will result; or that the adverse consequences of the proposed activity would be likely to result in irreversible trends or changes in estuarine resource properties or functions.

(4) Notification of Agencies.

(a) Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:

- (i) U. S. Fish and Wildlife Service.
- (ii) U. S. Environmental Protection Agency.
- (iii) Oregon State Department of Fish and Wildlife.
- (iv) Oregon State Department of Land Conservation and Development.
- (v) Oregon State Division of State Lands.
- (vi) National Marine Fishery Service.
- (vii) Army Corps of Engineers.

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

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ARE RESERVED FOR FUTURE EXPANSION